

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

BRIEF FOR APPELLANTS

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 15, 375

NORMAN H. HALL,

v.

UNITED STATES OF AMERICA,

Appellee.

No. 15, 376

LAWRENCE W. PARRAN,

Appellant,

v.

UNITED STATES OF AMERICA,

Appellee.

APPEALS FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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United States Court of Appeals
For the
District of Columbia Circuit
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Appellant, *Joseph W. Stewart*
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(i)

QUESTIONS PRESENTED

1.

Whether probable cause for the issuance of an arrest warrant for lottery offenses exists where the person for whom the warrant is obtained is observed by police officers on six occasions during a five week period riding in an automobile for a short while with another whom the officers believe to be engaged in the lottery business and was on the occasions that he is observed carrying a bag or a box.

2.

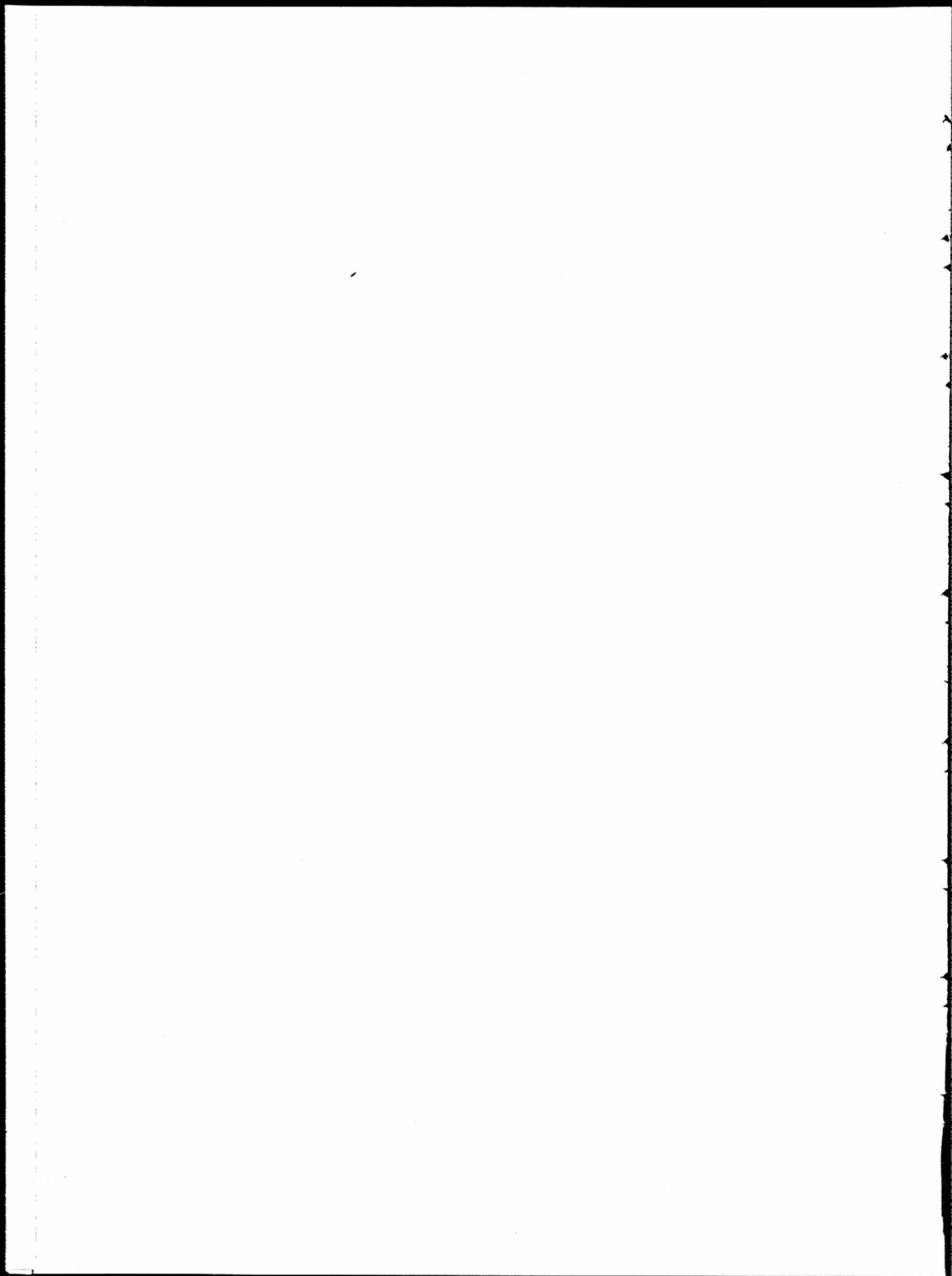
Whether probable cause for the issuance of warrants for the arrest of a person and the search of his automobile exists where the necessary ingredient of belief that he is committing an offense arises from an anonymous complaint and conclusions of police officers, respecting conduct on the part of the person that, but for the conclusions, are meaningless and innocent.

(iii)
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APPELLANTS' BRIEF

JURISDICTIONAL STATEMENT

The jurisdiction of this Honorable Court is invoked under Section 1291 of Title 28 of the United States Code, and Rule 37 of the Federal Rules of Criminal Procedure.

STATEMENT OF THE CASE

On November 3, 1958, a multi-count indictment was filed in the United States District Court for the District of Columbia against Norman H. Hall, Lawrence W. Parran, Lessie Flournoy, Moses M. Wilson for violations of the District of Columbia Lottery Laws (Title 22, Sections 1501, 1502 and 1505 of the D. C. Code, 1951 Ed., as amended). In count one, the four accused were charged with operating a lottery during the period from about August 8, 1958 to about September 8, 1958. (JA 4) The appellant Hall was charged in count two with possession of numbers slips on September 18, 1958 and the appellant Parran was charged in count three with having committed an identical offense on the same day. They were arraigned and each pleaded not guilty. (JA 5) Thereafter, beginning on May 18, 1959, trial on the indictment was had in the said District Court,¹ before Honorable Edward Tamm, sitting without a jury.

The government's first witness was Officer William Joseph Poyner, a member of the Gambling Squad of the Metropolitan Police Department. He testified that on August 8, 1958, at about 12:55 P.M., he went to the rear of the United States Coast Guard Building at 13th and E Streets, N. W.² There he saw appellant Norman Hall drive up to the rear of the building in a 1956 Chevrolet automobile. Hall went down to the guard shack and took a small envelope³ from Moses Wilson. Hall then got back into the automobile and drove away. The officer followed him to the 2100 block of 10th Street, N. W., where Hall received a small package from an unidentified Colored male.⁴ The officer then followed Hall to Florida Avenue, N. W., where he lost him in the traffic. (JA 10-11)

¹ At the beginning of the trial, the charges against Moses M. Wilson were dismissed.

² Poyner, along with officers Hilton & Evans, was assigned to investigate a complaint that a 1956 Chevrolet, D. C. registration GR-298, was picking up numbers from the Guard Moses M. Wilson at the rear of the United States Coast Guard Building every day between the hours of 1:00 and 1:30.

³ The officer was about 57 ft. away when he observed this; (JA 31); he did not know what was in the envelope (JA 32); nor did he hear any of the conversation that was had between Hall and Wilson.

⁴ Described as tall, light-skinned, about 55 years of age.

On August 12, 1958, Poyner saw Hall meet the same unidentified, Colored male in the 2100 block of 10th Street, N.W., at about 5:00 P.M. He saw the man give him what appeared to be a small package.⁵ The officer followed Hall to the 1400 block of Newton Street, N. W., where he saw him enter the basement of premises 1476 and remain a short time. Hall came out with a bulging right-hand pocket. The officer followed him to the 700 block of Kenyon Street, N.W. where he parked in an alley between Irving and Kenyon Streets, N.W. Hall entered the premises at 716 "with bulges to his clothes." He remained there a short while and came out with a bulge and was followed, by the officer, to the 900 block of Florida Avenue, N.W. Hall entered number 922 Florida Avenue, N.W., remained a short while and came out with bulging pockets. The officer again lost him in traffic. (JA 11-13)

On August 13, 1958, the officer again followed Hall and saw him receive a small package in the 2100 block of 10th Street, N.W. He went then to 1476 Newton Street, N.W., entered through the basement without any bulges. He remained a short while and left with a small bulge to his clothes. He drove to 716 Kenyon Street, N.W., went in (with bulging pockets) and left with "extremely" bulging pockets. He went to 922 Florida Avenue and remained a short while and drove away. When he went in to 922, he was without any bulges to his pockets, but his pockets were bulging when he left. (JA 13-15)

On August 14, 1958, Officer Poyner saw Hall's car parked at Champlain and Florida Avenue, N.W., at about 12:30. Five minutes later, Hall got into the car with bulging pockets and drove to Champlain and Kalorama Road where he parked and met Lawrence Parran. Parran had a paper bag in his right hand.⁶ This is the first time during his observations of Hall that the officer had seen Lawrence Parran. (JA 15)

⁵ The officer was two blocks away (at the Garfield Hospital grounds) observing this occurrence through field glasses.

⁶ The officer did not know the contents of the bag that he was carrying and he did not hear any of the conversation that had taken place between Parran and Hall (JA 48).

The officer did not follow Hall any more at that time (JA 16). At 1:10 P.M. on the same day, he continued his observances and saw Hall double-parked in his auto in the 2100 block of 10th Street, where the same unidentified man handed him a brown paper bag through the car window. At 1:20, Hall drove to 1476 Newton Street, N.W.; he entered through the basement (without any bulges to his clothing) and left at 1:30 with bulges. He drove to 716 Kenyon Street, N. W. The officer later saw him enter 922 Florida Avenue, N.W. and leave about two minutes later with a very noticeable bulge.

The officer continued his observance of Hall's movements for some further period of time until September 18, 1958, when all of the suspects were arrested. He watched Hall on August 15, 1958; August 18, 1958; August 19, 1958; August 20, 1958; August 21, 1958; August 25, 1958; August 26, 1958, August 27, 1958; September 3, 1958; September 12, 1958; and September 15, 1958.

During the officer's observances of Hall on these dates, he saw him doing practically the same things that were detailed herein before. He saw him go to premises 1476 Newton Street, N.W., 716 Kenyon Street, N.W., and 922 Florida Avenue, N.W. on practically each of these days. Occasionally, during these observances, he would see Hall go to 1769 V Street, N.W.; 1110-A 6th Street, N.E., and to 423 - 18th Street, N.W. At some time during each day, the officer would see him with bulges to his pockets of varying descriptions. On several occasions, when the officer would see Hall enter 716 Kenyon Street, N.W., he would also see several unidentified, Colored men and women with bulging pockets and/or pocketbooks enter the same premises while Hall was there and they would leave after a short while without any bulges to their pockets and/or pocketbooks.⁷ Whenever the officer would see Hall in the 2100 block of 10th Street, the same unidentified, Colored

⁷ August 15, 1958; August 19, 1958; August 20, 1958; August 26, 1958; September 3, 1958; September 15, 1958.

man, whom the officer had seen previously, would hand Hall a brown package or envelope.⁸

During the subsequent observations, Hall was also seen on four of these occasions to go to the rear of the Coast Guard Building and receive either an envelope or package from Moses Wilson.⁹

While Hall was in the premises 922 Florida Avenue, N.W., on August 21, 1958, the officer said he saw two colored females enter there with bulging pocketbooks and leave with no bulges to their pocketbooks.

On August 25, 1958, the officer saw a regulation numbers book in Hall's hip pocket as he was leaving 423 - 18th Street, N.E.

Following the first observation of the appellant Lawrence Parran in the company of Hall on August 15, 1958, he was seen with Hall on five other occasions. On August 15, 1958, Parran was seen carrying a white box and enter 1769 U Street, N. W. About fifteen minutes later, Hall and Parran got into Hall's auto and drove away. Parran was still carrying the white box and Hall had a large brown paper bag. On August 18, 1958, Hall and Parran came to Hall's car and Parran was carrying a large brown paper bag. They rode to 1110-A 6th Street, N. E. Hall went in and came out with bulging pockets. On August 19, 1958, Parran was seen sitting in Hall's car when Hall went into 1110-A 6th Street, N. E. On August 20, 1958, Parran was seen to enter Hall's car with him and ride to 1110-A 6th Street, N. E. Parran was carrying a brown paper bag when he got into the car. On September 12, 1958, Parran entered premises 423 18th Street, N. E. with Hall. Parran was carrying a brown paper bag.

Officer Glen A. Hilton, Private in the Morals Division, testified that on September 18, 1958, he went with Detective Ward Foulkes and Officer Poyner to the 1700 block of Willard Street, N.W. There he saw

⁸ August 18, 1958; August 19, 1958; August 20, 1958; August 21, 1958; August 25, 1958; September 15, 1958.

⁹ August 20, 1958; August 21, 1958; September 3, 1958; September 15, 1958.

Hall and Parran approaching Hall's parked automobile. He said Parran got into the car and as Hall was about to open the door on the driver's side, he identified himself to them as a police officer and told them that there was a warrant out for their arrest.¹⁰ Officer Hilton then took a quantity of "numbers paraphernalia" from the right hip pocket of Hall. The officer said as he approached the car, he saw Parran throw a brown envelope on the car's seat. (JA 66) Hilton said that he saw Detective Foulkes recover the envelope.¹¹

Detective Ward Foulkes testified that when he approached the automobile, he told Hall and Parran that he had a search warrant for the automobile.¹² Foulkes made a search of Parran, Hall and the car. He seized certain articles from Hall's wallet.¹³ He took a small white pad containing numbers bets from Parran's wallet.¹⁴ From Hall's right hip pocket, the officer seized three small brown envelopes.¹⁵

From the car Foulkes seized a brown paper bag that was in the glove compartment; a bag from over the top of the sun visor on the left of the car and a small brown envelope from the seat of the car.¹⁶

¹⁰ The warrants for the arrest of Hall and Parran had been issued by the United States Commissioner a day or two before their execution upon the joint affidavits of Officer Poyner, Hilton and Evans. The affidavit set forth the observations of the officers during the period of investigation. A search warrant for Hall's automobile was issued by the Commissioner at the same time and upon the same basis (JA 106-122).

¹¹ Foulkes later testified that the envelope contained \$9.50 in money and a few numbers slips. (JA 76).

¹² See Footnote 10.

¹³ Government's Exhibit No. 1: white envelope containing "pieces of white paper with numbers on it, and also some cards . . ." (JA 62).

¹⁴ Government's Exhibit No. 3.

¹⁵ The envelope contained pieces of paper - Government Exhibit No. 2.

¹⁶ Government's Exhibits 4, 4A, 5, 5A.

From the trunk of the automobile, Officer Foulkes seized a bag consisting of a number of books containing yellow pads that he called "regulation number books".¹⁷ (JA 80).

The appellant Parran testified on his own behalf at the trial. He denied that he had ever been in an automobile with Hall to premises 423 - 18th Street, N.W. He said that when he rode with Hall it was to go from the 1700 block of Williard Street, to the 1700 block of Benning Road, N. E. From there he would catch the bus and go home (JA 95-96). On cross-examination he stated that he was not helping Hall out in the numbers business; and that on the occasion that he was seen with a brown paper bag, it contained clothes (JA 96).

Both Hall and Parran objected to the admissibility into evidence of the articles that were seized from their person and from the automobile.¹⁸ (JA). Their objections were overruled (JA 101-102). At the close of the entire case, the appellants moved the Court to grant them judgment of acquittal as to the charge set forth in Count 1 of the indictment (JA 103). This motion was denied (JA 104). The appellants then moved the Court to grant them judgments of acquittal as to the remaining counts in which they were charged because they could not be guilty of Count 1 and the other counts also (JA 104). This motion was denied (JA 105). The Court found them guilty as indicted.

Hall was sentenced to a term of imprisonment of from one to three years on Count one, one year imprisonment on Count three, the same to run concurrently to the sentence imposed on Count One. Parran was sentenced to from six to 18 months imprisonment on Count one and six months imprisonment on Count four, which sentence was to run concurrent to the sentence on Count one (JA 123-124). This appeal followed (JA 125-6).

¹⁷ Government's Exhibit No. 6

¹⁸ The appellants filed pre-trial motions under Rule 41(e) of the Federal Rules of Criminal Procedure to suppress the use of the articles that had been seized from them and from the auto at the time of their arrest (JA 6-7). After a hearing, the District Court denied the motions (JA 8).

STATUTES INVOLVED

D.C. Code, Section 22-1501. Lotteries - Promotion - Sale or Possession of tickets.

If any person shall within the District keep, set up, or promote, or be concerned as owner, agent, or clerk, or in any other manner, in managing, carrying on, promoting, or advertising directly or indirectly, any policy lottery, policy shop, or any lottery, or shall sell or transfer any chance, or right, or interest, tangible, in any policy, lottery, or any lottery, or shall sell or transfer any ticket, certificate, bill, token, or other device, purporting or intended to guarantee or assure to any person or entitle him to a chance of drawing or obtaining a prize to be drawn in any lottery, or in a game or device commonly known as policy lottery or policy transfer, or have in possession for the purpose of sale or transfer, a chance or ticket in or share of a ticket in any lottery or any such bill, certificate, token, or other device, he shall be fined upon conviction of each said offense not more than \$1,000.00, or be imprisoned not more than three years, or both. The possession of any copy of record of any such chance, right, token, or other device shall be prima facie evidence that the possessor of such copy of record did, at the time and place concerned as owner, agent, or clerk, or otherwise in managing, carrying on, promoting, or advertising a policy lottery, policy shop, or lottery.

D.C. Code, Section 22-1502. Possession of Lottery or policy tickets.

If any person shall, within the District of Columbia knowingly have in his possession or under his control any record, notation receipt, ticket, certificate, bill, slip, token, paper or writing, current or not current, used or to be used in violating the provisions of Section 863, 865 or 896 of this Act, he shall, upon conviction of each such offense, be fined not more than \$1,000.00 or be imprisoned for not more than one year, or both. For the purpose of this section, possession of any record, notation, receipt, ticket, certificate, bill, slip, token, paper, or writing shall be presumed to be knowing possession thereof.

D.C. Code, Section 22-1505. Permitting gambling table or device to be set up. (Amended - which reads in part)

(a) Any house, building, vessel, shed, booth, shelter, vehicle, enclosure, room, lot, or other premises in the District of Columbia, used or to be used in violating the provisions of section 863 or 865 of this Act, shall be deemed "Gambling premises" for the purpose of this section.

(b) It shall be unlawful for any person in the District of Columbia knowingly, as owner, lessee, agent, employee, operator, occupant, or otherwise, to maintain or aid or permit the maintaining of any gambling premises.

UNITED STATES CONSTITUTION

Fourth Amendment to the Constitution:

The rights of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Fifth Amendment to the Constitution:

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

Federal Rules Criminal Procedure Rule 3, The Complaint.

The complaint is a written statement of the essential facts constituting the offense charged. It shall be made upon oath before a commissioner or other officer empowered to commit persons charged with offenses against the United States.

Federal Rules Criminal Procedure Rule 4, Warrant or Summons Upon Complaint.

(a) If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the defendant has committed it, a warrant for the arrest of the defendant shall issue to any officer authorized by law to execute it. Upon the request of the attorney for the government a summons instead of a warrant shall issue. More than one warrant or summons may issue on the same complaint. If a defendant fails to appear in response to the summons, a warrant shall issue.

Federal Rules Criminal Procedure Rule 41, Search and Seizure

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(e) Motion for return of Property and to Suppress Evidence. A person aggrieved by an unlawful search and seizure may move the district court for the district in which the property was seized for the return of the property and to suppress for use as evidence anything obtained on the ground that (1) the property was illegally seized without warrant, or (2) the warrant is insufficient on its face, or (3) the property seized is not that described in the warrant, or (4) there was not probable cause for believing the existence of the grounds on which the warrant was issued, or (5) the warrant was illegally executed. The judge shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted the property shall be restored unless otherwise subject to lawful detention and it shall not be admissible in evidence at any hearing or trial. The motion to suppress evidence may also be made in the district where the trial is to be had. The motion shall be made before trial or hearing unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the court in its discretion may entertain the motion at the trial or hearing.

SUMMARY OF ARGUMENT

I

There was wholly lacking probable cause for the issuance of the arrest warrant for the appellant Parran, and, therefore, under settled rule of law the articles that were seized from him at the time of his arrest should have been suppressed. The basis for the issuance of the warrant was an affidavit of police officers that on six occasions during a five week period, they saw Parran riding in the suspected automobile and they saw him with a bag or a box on these occasions. It is submitted that such conduct does not warrant the belief that he was committing an offense.

II

The warrant for the arrest of the appellant, Hall, and for the search of his automobile was improvidently issued and the articles seized at the time of their execution should have been suppressed. The predicate for the issuance of the warrants was an anonymous complaint and the conclusions of police officers, respecting conduct on the part of the appellant, that, but for the conclusions are innocuous.. This is not sufficient to establish probable cause.

ARGUMENT

I

THE COURT BELOW ERRED IN ADMITTING IN
EVIDENCE THE ARTICLES THAT WERE SEIZED
FROM THE APPELLANT, PARRAN, AT THE
TIME OF HIS ARREST.

The appellant, Parran, contends that the articles that were seized from him were not admissible in evidence at the trial below, because they were obtained in violation of his rights under the Fourth and Fifth Amendments of the United States Constitution. The appellant, Parran, was arrested by officers of the Metropolitan Police Department pursuant to a

warrant for his arrest that had been issued by the United States Commissioner. The trial court ruled that there was adequate legal grounds for the issuance of the warrant. It is this ruling of the court that the appellant, Parran, asserts is error. There was wholly and totally lacking sufficient probable cause for the issuance of the warrant for the arrest of Parran. For this reason his arrest was illegal and, therefore, under settled rules of law, the contemporaneous search of his person was likewise illegal and the products thereof rendered not admissible in evidence against him. Federal Rules Criminal Procedure, Rules 3 and 4; Giordenello v. United States, 78 S. Ct. 1245, 337 U.S. 480, 2 L. Ed. 1503; Cf. United States v. Carrol, 234 F. 2d 679, 98 U.S. App. D.C. 244, reversed 775 S. Ct. 1332, 354 U.S. 394, 1 L. Ed. 2d 1442.

The warrant for Parran's arrest was issued upon the basis of a lengthy affidavit (6 1/4 single spaced typewritten pages on legal size paper) that was jointly executed by three Morals Division Officers. The affidavit covered observations of the officers of the alleged activities of the appellant, Norman Hall, from August 8, 1958 to September 15, 1958. It was recited in the affidavit that a complaint had been received in the office of the Morals Division "that a 1956 Chevrolet (D.C. Registration GR 298) was picking up numbers from the guard Moses M. Wilson at the rear of the U.S. Coast Guard Building every day between 1:00 and 1:10 P.M." The three officers, who signed the affidavit, were assigned to investigate the complaint. The affidavit set forth the observations that they made during the course of their investigation. The officers observed Hall on fifteen different occasions.¹ Significantly, the officers saw Parran with Hall on only six of these days. They constituted the basis for the issuance of the warrant for Parran.. A critical examination of Parran's alleged conduct on these dates show that there

¹ Officer Poyner testified chiefly about these observations for the government at the trial. In the important respects his testimony was identical to the averments of the affidavit. Parran is identified in the affidavit as "John Doe #1."

did not appear probable cause to believe that he had committed an offense. Briefly, Parran was observed by the officers as follows:

1. On August 14, 1958, Hall picked Parran up in his automobile at Champlain and Kalorama Road. Parran had a paper bag in his right hand.
2. On August 15, 1958, Parran was seen carrying a white box (that sounded like it contained money and papers) as he entered premises 1769 You Street, N.W. About fifteen minutes later, Hall and Parran got into the automobile and drove away. Parran was carrying the same white box and Hall was carrying a large brown paper bag.
3. On August 18, 1958, Hall and Parran came to Hall's automobile and Parran was carrying a large brown bag. They rode to 1110-A 6th Street, N.E. Hall went into the premises.
4. On August 18, 1958, Parran was seen sitting in Hall's car when Hall went into 1110-A 6th Street, N. E.
5. On September 20, 1958, Hall was followed to the 1700 block of Willard Street where he parked his auto and walked north on 18th Street. Shortly thereafter, Parran walking with Hall to Hall's car. Parran was carrying a paper bag. He got in the car with Hall and they were followed to the 1100 block of 6th Street. Hall got out and entered premises 1110-A 6th Street, N.E.
6. On September 12, 1958, Hall and Parran were seen entering 423 18th Street, N.E. together. Parran was carrying a brown paper bag.

It is submitted that Parran's conduct above does not show that there was probable cause to believe that he had committed an offense. Applying to this conduct the accepted definition of probable cause, the

appellant says that the requirements thereof are not fulfilled here. In the recent case of Stephens v. United States (No. 15,221, decided October 22, 1959) this Court said:

"Probable cause means more than a 'bare suspicion' but does not require sufficient evidence to sustain a conviction. Rather, 'probable cause' exists where the facts and circumstances within their (the officers) knowledge and of which they had reasonable trustworthy information [are] sufficient in themselves to warrant a man of reasonable caution in the belief that' an offense has been or is being committed."

See also Bell v. United States (1958), 254 F.2d 82, 84, 102 U.S. App. D.C. 383, 385, certiorari denied 795 Ct. 126, 358 U.S. 885, 3 L. Ed. 2d 113.

The trial court in meeting the contentions of Hall and Parran that there was insufficient probable cause for the issuance of the warrants reasoned that the officers had cause to believe that Hall was picking up and delivering numbers bets and that since Parran was along on some occasions, they had probable cause to believe Parran was also involved. Assuming arguendo that the officers did have ample probable cause respecting Hall, the fact of Parran's presence on six occasions with Hall, does not "warrant a man of reasonable caution in the belief that" Parran was committing lottery offenses. On four times when he was seen he had a brown paper bag in his hand. On another time, he had a white box. He was never seen to transfer either money, papers, slips and the like to Hall or to anyone else. All the officers ever saw Parran do was to ride in Hall's automobile and carry a bag four times and box once. Their belief that Parran was engaged in committing offenses arose more from the fact that he was with Hall than from anything else. "Probable cause" can not be derived from such circumstances. "The argument that one who 'accompanies a criminal to a crime rendezvous' cannot be assumed to be a bystander, forceful enough in some circumstances, is far-fetched when the meeting is not secretive or in a suspi-

cious hideout, but in broad daylight, in plain sight of passerby, in a public street of a large city, and where the alleged substantive crime is one which does not necessarily involve any act visibly criminal." United States v. Di Re (1947), 332 U.S. 581, 589, 68 S. Ct. 222, 92 L. Ed. 210, 217.

Significantly Parran was never with Hall when the "unidentified colored man" regularly (August 8, 12, 13, 14, 15, 18, 19; September 15, 1958) handed Hall an envelope in the 2100 block of 10th Street. Nor was he ever with Hall at the times when he allegedly received an envelope from Moses M. Wilson (August 8, 20, 21; September 3, 15, 1958). Brief meetings between persons, even where one is suspected of criminal conduct, does not justify a presumption of guilt of the other (United States v. Di Re, *supra*; Taylor v. United States (1958), 260 F. 2d 737, 738, 104 U.S. App. D.C. 219, 220) and it is submitted that it does not create probable cause.

II

THE COURT ERRED IN NOT HAVING SUPPRESSED THE EVIDENCE AS TO THE APPELLANT HALL.

The affidavit with respect to the appellant, Hall, may fairly be said to be much more for volume than for substance. The affidavit initially sets forth that a complaint was received in the office of the Morals Division of the Metropolitan Police Department that a certain identified 1956 Chevrolet was picking up numbers from guard "Moses Wilson", the co-defendant below against whom the case was dismissed, in the rear of the United States Coast Guard Building. In respect to this alleged complaint, there is no indication as to when the complaint was made and the informant is neither identified nor described as a source of information previously known to be reliable.

The references contained in the affidavit relating to alleged contact or traffic with others concerns, for the most part, the contacts

alleged to have been had by the appellant, Hall, with Moses Wilson and his alleged contact with some unidentified and unknown "colored male" in the 2100 block of 10th Street, N.W. Significantly, as indicated herein before, the case against Wilson was dismissed for the very obvious reason that there was no evidence available that he had at any time had in his possession numbers paraphernalia, let alone transfer any such objects to the appellant, Hall. Likewise in the instance of the unidentified colored male in the 2100 block of 10th Street, N.W., at no time as stated in the affidavit, had he been actually seen with numbers slips or that beyond the affiants bore belief, had he in fact transferred any such contraband to the appellant, Hall. Moreover, no number plays were at any time made with either of the aforementioned individuals nor for that matter were any plays made at any of the premises which was stated in the affidavit, that appellant, Hall had been seen to go. The single circumstance relating to the observation of the possession by the appellant, Hall of any numbers paraphernalia prior to his arrest, was the statement of officer Poyner that on August 25, 1958, he had seen a regulation numbers book in the appellant's pocket. This we contend does not lend itself to supply the needed basis or element to establish probable cause, inasmuch as, it is a commonly known fact that a so called regulation numbers book is nothing more than a receipt book and surely one that is not identified or described as visibly containing numbers plays and bets adds nothing more by way of content.

It is difficult to avoid the conclusion that the warrants for the arrest of the appellant Hall and the search of his automobile were predicated upon the suspicion that the appellant was having contact with some people whose conduct indicated, so far as the officers were concerned, that they might be engaged in some manner in the lottery business. Together with this is added the conclusions that all pockets, pocketbooks, bags and envelopes and things of like nature necessarily contained numbers paraphernalia. Having then the advantage of "Boots with Boot Straps" that proceed to pull themselves up thereby on the

further allegation that they believed number slips and such paraphernalia to be in the appellant Hall's automobile as well as in certain premises to which he had been seen to go. However, in no instance had they seen numbers slips in the places alleged.

Appellant complains that it is legally wrong to allow for the issuance of search and arrest warrants upon unverified information and convenient, bore conclusions of police officers affiants. If bald statements of police officers and their beliefs are a satisfactory substitute for probable cause this affidavit is good; but then the Fourth Amendment can only be considered "on the whole a kind of nuisance, a serious impediment in the war against crime." Here, while the appellant's conduct may be considered to have been consistent with a lottery law violator, no probable cause is shown in the affidavit that the crime as described in the statute was actually violated. Perhaps a better way to put it is: IF NO BETS HAD ACTUALLY BEEN TAKEN ON ANY OF THE DAYS OF THE OBSERVATION HOW COULD APPELLANT BE GUILTY OF ANYTHING? While in this area we do not consider conviction but merely probable guilt, and not guilt upon evidence admissable in trial, yet certain it is that, if under a set of circumstances, guilt is impossible, probable cause for such guilt can not exist.

On the other hand, since the only evidence of appellant's guilt of the crime charged springs from the evidence which was the product of the search, then the search itself is bad. Boyd v. United States, 116 U.S. 616.

Where the usual props for probable cause, as here, do not appear, it is perhaps more apparent that the proof of any case at all depends entirely upon obtaining the evidence upon the search. While case law, statutes and constitution all proceed on the theory that once having probable cause that a crime has been or is being committed and that the instruments of that crime are in a certain place that the prerequisite for a search warrant has been made. However, so far as appellant has

been able to determine, no case or statute permits suspicion, however robust, together with public beliefs (even if multiplied and sworn to) to be used as an alternative of fact that some crime is involved. The "Bet" precedes the equivocal conduct or at least contaminates it.

In whiskey cases, some sale takes place and is followed by search and prosecution; the same is true of narcotics and other offenses. If the situation was changed would a search of a dwelling house be permitted for suspected whiskey sales or keeping for sale, if police affiants had only unverified rumors and sworn firm beliefs.

CONCLUSION

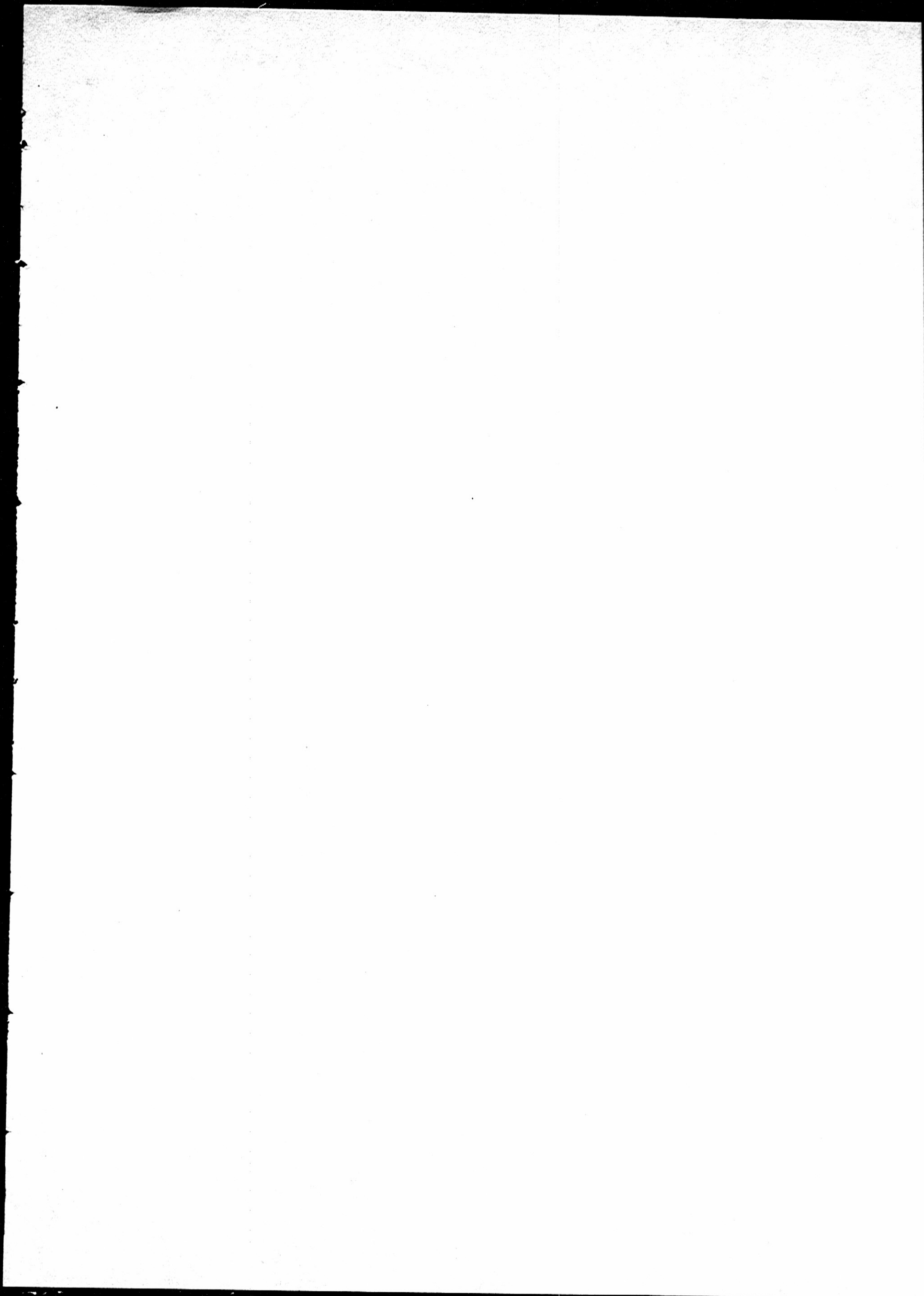
Therefore, the appellants respectfully submit that upon the basis of the foregoing argument, the judgment of the District Court should be reversed.

CURTIS P. MITCHELL

JOHN A. SHORTER, JR.

508 Fifth Street, N. W.
Washington, D. C.

Attorneys for Appellants



JOINT APPENDIX

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

*United States Court of Appeals
For the
District of Columbia Circuit*

FILED DEC - 7 1959

Joseph W. Stewart

CLERK

NORMAN H. HALL,

Appellant,

v.

UNITED STATES OF AMERICA,

Appellee.

No. 15,376

LAWRENCE W. PARRAN,

Appellant,

v.

UNITED STATES OF AMERICA,

Appellee.

APPEALS FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES COURT OF APPEALS
For The District Of Columbia Circuit

No. 15,375

NORMAN H. HALL,

Appellant,

v.

UNITED STATES OF AMERICA,

Appellee.

No. 15,376

LAWRENCE W. PARRAN,

Appellant,

v.

UNITED STATES OF AMERICA,

Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOINT APPENDIX

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JOINT APPENDIXUNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Impanelled August 28, 1958, Sworn in on September 2, 1958

THE UNITED STATES OF AMERICA :	
	Criminal No. 1010-'58
v. :	Grand Jury No. Orig.
NORMAN H. HALL :	Vio. 22 D. C. C. 1501,
LAWRENCE W. PARRAN :	1502, 1505
LESSIE FLOURNOY :	
MOSES M. WILSON :	

RELEVANT DOCKET ENTRIES

<u>Date</u>	<u>Proceedings</u>
<u>1958</u>	
Nov. 3	No. 1, 2, 3, 4: Presentment and Indictment filed (6 Counts).
Nov. 7	No. 1, 2, 3, 4: Copy of indictment given to defendant; ARRAIGNED, Plea NOT GUILTY entered; BOND SET at \$1000. 00; Defendant permitted to remain in custody of counsel pending making of bond; APPEARANCE of Curtis P. Mitchell entered and filed; Attorney Curtis P. Mitchell present. SIRICA, J. (Reporter-Sanche) Cert. filed.
Nov. 7	No. 1, 2, 3, 4: RECOGNIZANCE in the sum of \$1000. 00 taken with Meyer Weinstein, Surety, filed.
<u>1959</u>	
Feb. 3	No. 1, 2: MOTION of DEFENDANT to quash Warrants and to suppress evidence, filed.
Feb. 3	No. 3: MOTION of Defendant to suppress evidence, filed. Cert. of Serv.
Feb. 20	No. 1, 2, 3: MOTION of DEFENDANT to quash Warrants and to suppress evidence CONTINUED one week at request of defendant. Attorney Curtis Mitchell present. CURRAN, J. (Reporter-Williamson)

<u>Date</u>	<u>Proceedings</u>
<u>1959</u>	
Mar. 13	No. 1 - NORMAN H. HALL: MOTION of DEFENDANT to quash warrants and to suppress evidence, DENIED. Attorney Curtis P. Mitchell present. KEECH, J. (Reporter-Markwalter)
Mar. 13	No. 2 - LAWRENCE W. PARRAN: MOTION of DEFENDANT to quash warrants and to suppress evidence, DENIED. Attorney Curtis P. Mitchell present. KEECH, J. (Reporter-Markwalter)
Apr. 16	No. 3 - LESSIE FLOURNOY: MOTION of DEFENDANT to suppress evidence heard and DENIED. Attorney Curtis P. Mitchell present. LETTS, C. J. (Reporter-Sanche)
May 8	No. 1, 2, 3: ORDER for return of property, filed. TAMM, J.
May 18	No. 4 - MOSES M. WILSON: ORAL MOTION of GOVERNMENT for leave to dismiss the indictment is by the Court granted; Dismissal entered. Defendant Discharged.
May 18	No. 1, 2, 3: Waiver of Trial by Jury, filed; HEARING BY THE COURT BEGUN: Defendant ON BOND; Case is RESPITED until 10:00 a. m. 5-19-59. Attorney C. P. Mitchell present. TAMM, J. (Reporter-Frye) Cert. filed.
May 19	No. 1, 2, 3: HEARING by the Court RESUMED; Case is RESPITED until 10:00 a. m. - 5-20-59; Defendant ON BOND; Attorney Curtis P. Mitchell present. TAMM, J. (Reporter-Frye) Cert. filed.
May 20	No. 1, 2, 3: HEARING BY THE COURT RESUMED; Case is RESPITED until 10:00 a. m., May 25, 1959. Attorney Curtis P. Mitchell present. TAMM, J. (Reporter-Wells & Frye) Cert. filed.
May 25	No. 1, 2, 3: HEARING BY THE COURT RESUMED; Case is RESPITED until 10:00 a. m. 5-26-59. Attorney Curtis P. Mitchell present. TAMM, J. (Reporter-Frye) Cert. filed.
May 26	No. 1, 2, 3: HEARING by the COURT RESUMED and CONCLUDED; FINDING: Guilty as indicted; Case is REFERRED to the Probation Officer of the Court; Defendant PERMITTED to REMAIN ON BOND pending sentence; Attorneys Curtis P. Mitchell present. TAMM, J. (Reporter-Frye) Cert. filed.

<u>Date</u>	<u>Proceedings</u>
<u>1959</u>	
Jul. 2	No. 1: NORMAN H. HALL: SENTENCED to imprisonment for a period of ONE (1) YEAR to THREE (3) YEARS on Count one; ONE (1) YEAR on Count Three said sentence on Count Three to run concurrently with the sentence imposed on Count One; Defendant COMMITTED to the District of Columbia Jail. Commitment issued. Attorney Curtis P. Mitchell present. TAMM, J. (Walker - Reporter)
Jul. 2	No. 2: LAWRENCE W. PARRAN: SENTENCED to imprisonment for a period of SIX (6) MONTHS to EIGHTEEN (18) MONTHS on Count One; SIX (6) MONTHS on Count Four said sentence on Count Four to run concurrently with the sentence imposed on Count One. Defendant COMMITTED to the District of Columbia Jail. Commitment issued. Attorney Curtis P. Mitchell present. TAMM, J. (Reporter - Walker)
Jul. 2	No. 3: LESSIE FLOURNOY: SENTENCED to imprisonment for a period of NINE (9) MONTHS to THREE (3) YEARS on Count One; NINE (9) MONTHS on each of Counts two and Five; said sentence by the Counts of the indictment to run concurrently with each other. EXECUTION OF SENTENCE SUSPENDED; Defendant placed on Probation for a period of Three (3) Years. Attorney Curtis P. Mitchell present. TAMM, J. (Reporter - Walker)
Jul. 7	No. 1: Judgment and Commitment of 7-2-59, filed. No. 2: Judgment and Commitment of 7-2-59, filed. No. 3: Judgment and Probation of 7-2-59, filed.
Jul. 10	No. 1, 2: NOTICE OF APPEAL from Judgment of 7-2-59, filed. (Clerk's fee \$5.00 paid and credited to U. S.)
Jul. 17	No. 1, 2: REFUSAL of DEFENDANT to sign election against service of sentence, filed.
Aug. 19	No. 1, 2: ORDER, that time for filing of record of appeal be extended to September 21, 1959, filed. Cert. of Serv. HART, J.
Aug. 24	No. 1, 2, 3: TRANSCRIPT OF PROCEEDINGS, FILED. Vol. 1, Pages 1-222 May 18 and 19, 1959 Vol. 2, Pages 223-304 May 20, 1959 Vol. 3, Pages 305-416 May 25 and 26, 1959 (Court Copies) (Roger E. Frye-reporter)

[Filed November 3, 1958]

INDICTMENT

The Grand Jury charges:

Continuously during the period from about August 8, 1958, to about September 18, 1958, within the District of Columbia, Norman H. Hall, Lawrence W. Parran, Lessie Flournoy and Moses M. Wilson were concerned as owners, agents and clerks, and in other ways, in managing, carrying on and promoting a lottery known as the numbers game.

SECOND COUNT:

Continuously during the period from about August 8, 1958, to about September 18, 1958, within the District of Columbia, Lessie Flournoy did knowingly, as lessee, agent, operator and occupant, maintain, aid and permit the maintaining of a gambling premises located at 716 Kenyon Street, Northwest.

THIRD COUNT:

On or about September 18, 1958, within the District of Columbia, Norman H. Hall knowingly had in his possession and under his control notations, records, receipts, tickets, certificates, bills, slips, tokens, papers and writings, current and not current, used and to be used in a lottery known as the numbers game.

FOURTH COUNT:

On or about September 18, 1958, within the District of Columbia, Lawrence W. Parran knowingly had in his possession and under his control notations, records, receipts, tickets, certificates, bills, slips, tokens, papers and writings, current and not current, used and to be used in a lottery known as the numbers game.

FIFTH COUNT:

On or about September 18, 1958, within the District of Columbia, Lessie Flournoy knowingly had in her possession and under her control notations, records, receipts, tickets, certificates, bills, slips, tokens, papers and writings, current and not current, used and to be used in a lottery known as the numbers game.

SIXTH COUNT:

On or about September 18, 1958, within the District of Columbia, Moses M. Wilson knowingly had in his possession and under his control notations, records, receipts, tickets, certificates, bills, slips, tokens, papers and writings, current and not current, used and to be used in a lottery known as the numbers game.

/s/ Oliver Gasch
Attorney of the United States in
and for the District of Columbia

A TRUE BILL:

/s/ Frank W. Kelsey
Foreman

[Filed November 7, 1958]

PLEA OF DEFENDANT

On this 7th day of November, 1958, the defendants 1-Norman H. Hall, 2-Lawrence W. Parran, 3-Lessie Flournoy, 4-Moses M. Wilson, appearing in proper person and by his attorney Each: Curtis P. Mitchell, being arraigned in open Court upon the indictment, the substance of the charge being stated to him, each pleads not guilty thereto.

Copy of indictment given to each defendant.

Bond is set at \$2, 500. 00 as to each defendant.

The defendants are permitted to remain in custody of counsel pending making of bond.

By direction of

JOHN J. SIRICA

Presiding Judge
Criminal Court #1

Present:

United States Attorney

HARRY M. HULL, Clerk

By V. Caputy

By **H. G. Dodd**
Deputy Clerk

Assistant United States Attorney

E. Sanche
Official Reporter

[Filed February 3, 1959]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :

v. :

Criminal No. 1010-'58

No. 2 LAWRENCE PARRAN :

MOTION TO QUASH WARRANT
AND TO SUPPRESS EVIDENCE

Comes now the defendant, LAWRENCE PARRAN, by and through his attorney, Curtis P. Mitchell, and moves this Honorable Court to quash the arrest warrant and to suppress the evidence herein, and as reasons therefor, states as follows:

1. That on to wit, September 18, 1958, at or about 2:15 P. M. the defendant was lawfully upon the streets of the District of Columbia seated in an automobile near the 1700 block of Willard Street, N. W., Washington, D. C. at which time he was forcibly placed under arrest and his person searched and objects seized therefrom.
2. That the defendant was advised that he was being arrested pursuant to an arrest warrant which the defendant states, if there be any, was issued improvidently and without adequate and proper legal probable cause.
3. That the search aforesaid were against the will and desire of the defendant and without his consent.
4. That the search and seizure were in violation of the constitutional rights of the defendant and hence null and void.
5. That there was taken from the defendant a quantity of pieces of paper upon which numerals were written; a receipt pad; also money in the approximate amount of \$30. 00.

And for such other and further reasons as will be called to the attention of this Honorable Court upon the occasion of the hearing of this motion.

[Certificate of Service]

/s/ Curtis P. Mitchell
Attorney for Defendant
508 Fifth Street, N. W.
Washington, D. C.
Me. 8-3067

[Filed February 3, 1959]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :

v. : Criminal No. 1010-'58

No. 1 NORMAN H. HALL :

MOTION TO QUASH WARRANTS
AND TO SUPPRESS EVIDENCE

Comes now the defendant, NORMAN H. HALL, by and through his attorney, Curtis P. Mitchell and moves this Honorable Court to quash the arrest and search warrants and to suppress the evidence herein, and as reasons therefor, states as follows:

1. That on to wit, September 18, 1958, at or about 2:15 P. M. the defendant was lawfully upon the streets of the District of Columbia seated in an automobile near the 1700 block of Willard Street, N. W., Washington, D. C. at which time he was forcibly placed under arrest and his person was searched and objects were seized therefrom. The automobile was also searched and objects and things were seized therefrom and that the car was being searched pursuant to a search warrant, which the defendant states, if there be any, were issued improvidently and without adequate and proper legal probable cause.

3. That the searches and seizures aforesaid were against the will and desire of the defendant and without his consent.

4. That the said searches and seizures were in violation of the constitutional rights of the defendant and hence null and void.

5. That there was taken from the defendant's person and automobile quantity of pieces of paper upon which numerals were written, an adding machine tape, and money in the approximate amount of \$206.45.

And for such other and further reasons as will be called to the attention of this Honorable Court upon the occasion of this motion.

/s/ Curtis P. Mitchell
Attorney for Defendant
508 Fifth Street, N. W.
Washington, D. C.
Me. 8-3067

[Certificate of Service]

[Filed April 15, 1959]

UNITED STATES

v.

#1 NORMAN H. HALL
#2 LAWRENCE W. PARRAN
Defendants

Criminal No. 1010-'58

Charge Vio. D.C. Lottery Laws

On this 13th day of March, 1959, came the attorney of the United States; the defendants Norman H. Hall and Lawrence W. Parran and by their attorney Curtis P. Mitchell, and the motion of each defendant to quash warrants and suppress evidence, coming on to be heard and after argument the same is taken under advisement by the court, and DENIED.

By direction of
RICHMOND B. KEECH
Presiding Judge
Criminal Court #2

* * *

* * *

EXCERPTS FROM TRANSCRIPT OF PROCEEDINGS

1 UNITED STATES

v.

NORMAN H. HALL,
LAWRENCE W. PARRAN,
and
LESSIE FLOURNOY,
Defendants

Criminal Action
No. 1010-58

Washington, D. C.

Monday, May 18, 1959

The above-entitled action came on for hearing before the Honorable EDWARD A. TAMM, at 2:50 p.m.

APPEARANCES:

On behalf of the government:

THOMAS A. FLANNERY, Esq.

On behalf of the defendants:

CURTIS MITCHELL, Esq.

* * * * *

3 [At the bench:]

MR. FLANNERY: As to one defendant, Your Honor, Moses M. Wilson, I have gone over this case carefully as far as he is concerned, and reviewed the evidence and talked it over with the police officers. I don't think the government has sufficient evidence with which to proceed against Moses M. Wilson and would therefore move to dismiss the indictment as to him, and proceed to trial against the remaining three.

* * * * *

THE COURT: Motion to dismiss will be granted.

* * * * *

4 [In open court:]

MR. MITCHELL: On behalf of the defendants whom I represent I beg leave of the Court at this time to withdraw the jury demand that the defendants are entitled to by law, and in lieu thereof of take trial by the Court.

I beg to inform the Court that I have apprised the defendants of their right to a trial by jury and that in the circumstances they desire that their case be tried by the Court without jury, and I therefore waive the jury trial, if the Court please.

THE COURT: This trial by the Court is agreeable to the government, is it, Mr. Flannery?

MR. FLANNERY: Yes, it is, Your Honor.

THE COURT: Very well, the defendants may execute the waiver of jury trial. The rule requires that it be executed in open court.

The clerk has sent for the waiver of jury trial form, Mr. Mitchell. In the meanwhile we might proceed.

Do you want to make an opening statement, Mr. Flannery?

MR. FLANNERY: Yes, Your Honor.

* * * * *

8 THE COURT: The court has observed that the defendants have signed the waiver of jury trial in open court.

* * * * *

12 WILLIAM JOSEPH POYNER

was called as a witness by the government and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FLANNERY:

Q. Please state your name. A. My name is William Joseph Poyner.

Q. Is that P-o-y-n-e-r? A. That's correct.

Q. Now, Officer Poyner, you are a member of the metropolitan police force, are you not? A. Yes, I am, sir.

Q. Attached to the gambling squad, is that not correct, sir?

A. That's correct, sir.

Q. Now, I call your attention to August the 8th, 1958. You were a member of the metropolitan police force on that day attached to the gambling squad; is that not correct, sir? A. That is correct.

Q. And on that date, August the 8th, 1958, did you conduct certain observations and make certain investigation into this case? A. Yes, sir, I did.

13 Q. Now, on August the 8th, 1958, did you go somewhere in the District of Columbia in connection with this case? A. Yes, sir, I did.

Q. Where did you first go? A. It was approximately 12:55 p.m., on August the 8th, I went to the rear of the United States Coast Guard Building, which is located at 13th and E Streets, Northwest.

Q. Washington, D. C.? A. Washington, D. C., yes, sir.

Q. Now, when you arrived there, what, if anything, did you see? A. Well, I observed the defendant Norman Hall drive up to the rear of the building in a 1956 Chevrolet, District of Columbia registration GR-298, and he contacted the man in the guard shack, a gentleman by the name of Moses Wilson.

* * * * *

Q. Before I do that, Mr. Witness, do you see Norman Hall here

14 today? A. Yes, I do.

Q. Point him out for the record.

MR. MITCHELL: I stipulate his presence and his identification.

THE COURT: Very well.

BY MR. FLANNERY:

Q. Now, you say "contact." Will you be more specific? What did you see Norman Hall do? A. I saw Norman Hall go to this Moses Wilson and take from him a small envelope.

Q. And after Hall took a small envelope from Moses Wilson, what did you observe after that? A. I observed Hall get back into his automobile and drive away.

Q. Did you follow him any further that day? A. Yes, sir, I did.

Q. What else did you observe? A. I observed him drive to the twenty-one hundred block of 10th Street, Northwest, Washington, D. C., and there he got a small package from another unidentified colored male, tall, light-skinned, unidentified colored male about 55 years of age.

Q. Then what did you observe? A. I observed Hall drive to Florida Avenue and at that point he was lost from observation.

15 Q. Did you lose him in traffic? A. Yes, sir.

Q. Now then, I call your attention to -- well, strike that. Did you make any further observations that day? A. That concluded my observations for that day, sir.

Q. Now then, I call your attention to August 12, 1958, and ask you on that date did you make certain observations in connection with this case? A. Yes, sir, I did.

Q. What did you do on that date? Where did you go and at what time did you start? A. At approximately 1:05 p.m., I observed Norman Hall meet the same unidentified colored male that he had met the previous day in the twenty-one hundred block of 10th Street, Northwest, and I then followed him.

Q. Did you see anything occur between the two of them? A. Yes, sir.

Q. What was that? A. The unidentified colored man gave him what appeared to be a small package.

16 Q. Now, after you saw that what did you observe next? A. I observed -- well, I followed Hall to the fourteen hundred block of Newton Street, Northwest.

Q. Very well, and then what? A. He entered the basement of premises 1476 Newton Street, Northwest.

Q. In the District of Columbia? A. In the District of Columbia, yes, sir.

Q. Very well. And then what did you see next? A. As I said, I observed him go in the basement of the premises and he remained a short time and then he came out with a bulging right pants pocket, I think it was.

Q. And then what did he do? A. Well, from there he was followed to 716 Kenyon Street, Northwest, where he parked in the alley between Irving Street and Kenyon Street.

Q. That is in the District of Columbia likewise? A. That is in the District of Columbia, yes, sir.

Q. Then what, if anything, did you observe after parking as you have described? A. I observed him enter with bulges to his clothing and he remained until approximately 2:20, and at which time he came out with bulging pockets still.

Q. What did you observe then? A. I observed the defendant -- now I am not sure about this day, whether it was the first day that I observed him go to the --

17 MR. MITCHELL: Objection. Not responsive.

THE COURT: The objection is sustained.

BY MR. FLANNERY:

Q. You say you are not sure of your testimony at this point.

A. Yes, sir. Well, of whether or not he went to the nine hundred block of --

Q. Did you make notes? A. Yes, sir, I did.

Q. Of your observations? A. Yes, sir.

Q. When did you make your notes as regards this particular observation -- how soon after the observation? A. Just as soon as I

had a chance to write them down.

Q. Was that a short time afterwards? A. Yes, sir.

Q. Same day. A. Same day. Sometimes it would vary about two or three minutes or so.

Q. Do you need your notes to refresh your recollection at this point? A. Yes, I would like to refresh and make sure that was the particular day that I saw him enter the premises.

Q. Your recollection is exhausted on that point? A. Yes, sir.

18 Q. All right. Your Honor, may the witness use his notes to refresh his recollection?

THE COURT: He may.

THE WITNESS: Yes, sir, that's the day that he was followed to the nine hundred block of Florida Avenue where he entered premises 922 Florida Avenue, Northwest.

BY MR. FLANNERY:

Q. And what happened then? A. He remained in there a short while and came out with bulging pockets and he entered his automobile and he was lost on V Street, Northwest. He was travelling east, and I lost him in traffic that particular day.

Q. Did that conclude your observations for that day? A. Yes, sir, that does.

Q. Now, I call your attention to August the 13th, 1958. Did you make observations on that day? A. Yes, sir, I did.

* * * * *

19 Q. Now, with reference to August the 13th, 1958, what observations did you make -- and don't use your notes at this time. A. On August the 13th I observed Hall drive, at 1:18 p.m., at approximately 1:18 p.m., I observed Hall driving to the twenty-one hundred block of 10th Street, Northwest, Washington, D. C., where he contacted -- well, pardon me -- where he got this small package from this unidentified colored male.

Q. Is that the same man? A. The same, yes, sir, about six feet tall and about 55 years of age, light-skinned.

Q. Now, after he received a package from this man again, what did you observe next? A. I observed him drive to 1476 Newton Street, Northwest, Washington, D. C.

Q. What happened then? A. He entered the basement of premises 1476 Newton Street without any bulge to his clothing and remained a short while, and then departed with a small bulge to his clothing, and
20 entered his car and drove off and was followed to 716 Kenyon Street, Northwest, Washington, D. C.

Q. When he arrived there what happened? A. I am not sure whether or not he went to the front or the back door that day. My memory is exhausted there.

Q. Do you need your notes to refresh your recollection on that point? A. Yes, sir.

MR. FLANNERY: May he use his notes, if Your Honor please?

MR. MITCHELL: I submit, if Your Honor please, it is not a material point whether he went in the front door or the back door.

THE COURT: I don't know whether it is or not. I will permit the witness to consult his notes.

MR. FLANNERY: All right.

THE WITNESS: He went into the front door of premises 716 Kenyon Street, Northwest, with bulging pockets on that date.

BY MR. FLANNERY:

Q. Then what happened next that you saw? A. At approximately 1:55 p.m., Hall departed premises 716 Kenyon Street, Northwest, and he was followed to 922 Florida Avenue, Northwest, Washington, D. C.

21 Q. When he left 716 as you have described, did you notice anything about him? A. Yes, sir, he had extremely bulging pockets.

Q. Did you notice anything else about him? A. Oh, he was holding both of his pockets so as not to spill the contents that were in his pockets.

Q. What did you observe after that? A. I observed him go to 922 Florida Avenue, Northwest, Washington, D. C.

Q. And about what time was that? A. That was about 2:10.

Q. Now, after you observed -- did he enter 922 Florida Avenue?

A. Yes, sir, he did.

Q. Then what next did you see? A. He entered at 2:10 and he remained a very short while. He entered without any bulges and came out with a bulge to his pocket, and entered his automobile, and on that day he was lost also at 15th and P Streets, Northwest.

Q. Did that conclude your observations for that day? A. Yes, sir.

22 Q. Very well. Now, I call your attention to August the 14th, 1958, and don't look at your notes now unless you have exhausted your recollection. Now, on August the 14th, 1958, did you make certain observations? A. Yes, I did. My recollection is vague on that particular day.

Q. Did you make notes of that date? A. Yes, sir, I did.

Q. And did you make them shortly after the observation on the same day? A. Yes, sir.

MR. FLANNERY: Very well. May the witness use his notes to refresh his recollection as to August the 14th?

THE COURT: He may.

BY MR. FLANNERY:

Q. Very well, Mr. Witness, now please tell His Honor what you observed on August 14, 1958, starting off with the time and the place you first made an observation.

A. About 12:30 p.m. Officer Hilton and myself observed a 1956 Chevrolet, GR-298, parked at Champlain and Kalorama Road -- Champlain and Florida Avenue, I am sorry, Northwest, and we kept the car under surveillance and at approximately 12:35 p.m., Hall was observed to enter the car with bulging pockets and drive to Champlain and Kalorama Road, Northwest, where he picked up the defendant Lawrence Parran at that point.

23 Q. Do you see Parran here today? A. Yes, sir.

MR. FLANNERY: Will you stipulate that he can point out Parran?

MR. MITCHELL: Oh, yes, I stipulate that. My concern at this point is the witness, when he started off, if Your Honor please, he used

the pronoun "we," and now he is stating about an observation.

* * * * *

BY MR. FLANNERY:

Q. Confine your testimony to your own observations. What did you see? A. I saw the car parked at Champlain and Florida Avenue, Northwest, at approximately 12:30 p.m. I kept the car under surveillance until about 12:35 p.m., at which time the defendant Hall entered the car and drove to Champlain and Kalorama Road, Northwest, where
24 ~~he~~ he picked up the defendant Parran.

Q. All right. A. Parran had a bag, a paper bag, in his right hand.

Q. Very well. And then what happened? A. And at approximately -- well, I had cut him loose, or didn't follow him any further than that, than that particular incident right there.

Q. All right. A. At 1:10 p.m., the same date, I observed Hall drive the 1956 Chevrolet, D. C. registration GR-298, double park in the twenty-one hundred block of 10th Street, and the same unidentified colored male as previously mentioned handed Hall a brown paper bag through the car window.

Q. What time was that? A. That was about 1:10, sir.

Q. Now, what happened after that? A. Yes, sir, 1:10. About 1:20 p.m. the same date I observed Hall drive to 1476 Newton Street, Northwest, basement, and he entered the basement minus any bulges to his clothing, and at about 1:30 p.m., Hall came out of 1476 Newton Street, Northwest, with a bulge to his clothing.

Q. And when he came out what did you see after that? A. Well, he entered his automobile and was followed to 716 Kenyon Street, Northwest at approximately 1:35.
25

Q. Then what happened after that? A. Well, after Hall entered at 1:35 I cut him loose there and I went down to 922 Florida Avenue, Northwest, and at 1:58 p.m., Hall was observed to enter, by myself, 922 Florida Avenue, Northwest, minus any bulges to his clothing. He remained in there, these premises, until approximately 2:00 p.m. He then came out and entered his automobile with a very noticeable bulge

to his clothing, and I don't have any observations on Hall after this point.

Q. Now, then, on August the 15th, 1958, did you make observations that day? A. Yes, sir, I did.

Q. What did you do on August 15, 1958? A. At approximately 1:08 p.m., August the 15th, I observed Hall double park a 1956 Chevrolet, GR-298, in the twenty-one hundred block of 10th Street, Northwest, and the same unidentified colored male as previously mentioned contacted Hall and handed Hall a brown paper bag through the window. At about 1:15 p.m., Hall was observed to enter 1476 Newton Street, Northwest, basement, minus any bulge to his clothing, by myself.

Q. Very well, what else did you see? A. At 1:17 p.m., Hall departed 1476 Newton Street, Northwest with a bulge to his clothing.

26 Q. Very well. A. He was then observed to go to 716 Kenyon Street, Northwest at approximately 1:30 p.m., with bulging pockets.

Q. While he was in there did you observe anything else? A. On this day I saw several unidentified colored women enter with bulging pocketbooks, and they remained a short while and then came out without any bulges to their pocketbooks.

Q. Now, what happened next that you saw? A. About 1:50 p.m., Hall departed 716 10th Street, Northwest and entered this car with extremely bulging pockets.

Q. Very well, then what next? A. About 1:53 p.m., same date, Hall was observed to enter 922 Florida Avenue, Northwest, minus any bulge to his pockets and remained approximately a few moments and then came out with a very large bulge to his clothing.

Q. Very well, did you observe anything after that? A. Yes. Hall was followed to the seventeen hundred block of Willard Street, Northwest, at approximately 2:03 p.m., and he departed the car minus any bulge and was observed to enter 1769 U Street, Northwest.

27 Q. Now, what else did you observe on that day. A. On that day I observed Hall at approximately 2:25 p.m. carrying a white box, the contents of which sounded like paper and money, and he entered 1769 U Street, Northwest.

Q. Now, is that Hall you observed carrying the box? A. No, I am sorry. That is Parran. I am sorry.

Q. Parran? A. Yes, sir.

Q. You saw Parran carrying a box? A. Yes, sir.

Q. Now, then, did you observe anything else? A. Yes, sir. Hall and Parran were observed to depart 1769 U Street, Northwest, at approximately 2:40 p.m. that day and they were observed to enter the 1956 Chevrolet and drive off.

Q. Well, did you notice anything about them on this last occasion as you have described? A. Parran was still carrying the white box, and Hall was carrying a large brown paper bag when they entered the automobile.

Q. And after they entered the automobile did you make any other further observations? A. No, sir, I did not.

Q. Now then, I will call your attention to August the 18th, 1958. Did you make observations on that day? A. Yes, sir, I did.

28 Q. Now, do you need your notes -- you didn't testify from your notes on August 16th. A. Sir?

Q. You have your notebook in front of you. Do you need your notebook as far as August 18? A. Yes, sir, my recollection is hazy from that time on.

MR. FLANNERY: May he use his notes, Your Honor?

THE COURT: He may.

BY MR. FLANNERY:

Q. Now, on August the 18th, please tell His Honor what you observed, starting off with the place, the time, of the first observation. A. About 1:08 p.m., August the 18th, 1958, Hall was observed to double park a 1956 Chevrolet, GR-298, in the twenty-one hundred block of 10th Street, Northwest, and the same unidentified colored male contacted Hall and handed him a brown paper bag.

At 1:14 p.m., same date, Hall entered 1476 Newton Street, Northwest basement minus any bulge to his clothing.

At about 1:18 p.m., Hall came out of 1476 Newton Street, North-

west, with a large bulge to his clothing, and at about 1:25 p.m., Hall entered the rear of 1716 Kenyon Street, Northwest, with bulging pockets.

29 Several unidentified colored females were observed to enter 716 Kenyon Street, Northwest with bulging pockets and/or bulging pocket-books and they would remain a few minutes and then depart minus the bulge.

About 1:50 p.m., Hall was observed to depart 716 Kenyon Street, Northwest, the rear, with a very large and noticeable bulge to his clothing and at 1:55 p.m., Hall entered 922 Florida Avenue, Northwest, minus the bulge to his clothing.

At 1:58 p.m., Hall departed 922 Florida Avenue, Northwest, with a very large bulge to his clothing.

* * * * *

30 Q. You were on August 18th. Now, about reading your notes, just testify to what you saw, after refreshing your recollection by glancing at them. Understand? A. Well, I am not sure of the times. I know what he did on that day.

Q. Whenever you need your notes to refresh your recollection the Court has given you permission to look at them, but don't read your notes. A. Yes, sir.

Q. Now then, I believe you had reached the point where --

THE COURT: The witness said that the defendant Hall departed from 922 Florida Avenue at 1:58 p.m., with a noticeable bulge in his clothing.

BY MR. FLANNERY:

Q. After that, Mr. Witness, what did you observe? A. I observed Hall drive to the seventeen hundred block of Willard Street, Northwest and walk north on 18th Street.

Q. Very well. A. And he remained a short time and then he was observed to re-enter the car, GR-298, and follow it to the eleven hundred block of 6th Street, Northwest.

Q. Did he enter the car alone or with someone? A. He was with Parran on that day, sir.

31

Q. Did you notice anything in regard to Parran? A. He was carrying a large brown paper bag.

Q. Now then, what did you observe from that point? A. I observed Hall. They were followed, rather, pardon me, to the eleven hundred block of 6th Street, Northeast, where they entered 1110-A 6th Street, Northeast, and at that point my observations were ceased.

Q. Did you see Hall come out of that 6th Street address or not? Do you need your notes to refresh your recollection on that point? A. Yes, sir.

Q. All right. A. About 2:40 p.m., Hall came out of the premises 1110 6th Street, Northeast, on that day with bulging pockets.

Q. And that concludes your observations for that day? A. Yes, sir.

Q. Now, I call your attention to August the 19th, 1958. Did you make observations on that day? A. Yes, sir.

Q. What did you observe on August the 19th, 1958? A. I observed the defendant Hall driving to the twenty-one hundred block of 10th Street, Northwest, and contacting the same unidentified colored male, and on that date he was followed to the fourteen hundred block of --

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Q. Well, when he met this unidentified colored male did anything happen between them? A. Yes, sir, the unidentified colored male gave him a brown paper bag.

Q. Then what happened after that? A. He was followed to the fourteen hundred block of Newton Street, Northwest, where I didn't make any observations there, sir.

Q. Now, did you make further observations? A. I made observations after he came out of 1476 Newton.

Q. Very well. Now, what did you see at that point? A. I observed Hall depart 1476 Newton Street with bulging pockets, and he was followed to 716 Kenyon Street, Northwest, where he entered the front.

Q. Now, then, on that date, did you notice anything about 716 Kenyon Street? A. Yes. He entered with bulging pockets and there was a steady flow of unidentified colored females and males.

Q. Now you say a steady slow. Approximately how many? A. I

would say about 6 or 8.

Q. 6 or 8? A. Yes.

Q. Now, then, what else did you observe? A. I observed Hall depart 716 Kenyon Street, Northwest, with the --

33 Q. Very well. Where did he go then? A. I would like to refresh my memory.

Q. All right. A. Hall went to 922 Florida Avenue, Northwest, Washington, D. C., and he entered minus any bulge to his clothing.

Q. About what time was that? A. That was about 2:03 p.m., sir.

Q. Very well. Then what happened next? A. Hall departed 922 Florida Avenue, Northwest, and he was followed to the seventeen hundred block of Willard Street, Northwest, where he departed the car minus the bulge.

Q. Very well. Now, what did you observe next? A. I observed Hall enter 1110 6th Street, Northeast, Washington, D. C., and he had Parran in the automobile with him on that occasion.

Hall got out of the car and entered 1110 6th Street, Northeast, without any bulge to his clothing, and when he came back he entered the car with the bulge to his clothing and was lost at Seventeenth Street and Benning Road, I think it was.

Q. Now, directing your attention to August the 20th --

* * * * *

35-36

Washington, D. C.

Tuesday, May 19, 1959

* * * * *

37

DIRECT EXAMINATION -- Resumed

* * * * *

38

BY MR. FLANNERY:

Q. Now, Officer Poyner, I direct your attention to August 20, 1958, and ask you did you make observations on that day? A. Yes, sir, I did.

Q. On August 20 what observations did you make in connection with this case? Now, start at the time the first observation took place. A. Yes, sir. It was at approximately 1:04 p.m., August 20, I observed

Hall walk to the rear of the United States Coast Guard Building which is located at 13th and E, and enter the guard's shack, and after a short conversation with Moses Wilson he came out carrying a small brown envelope in his right hand. He was then observed to enter his automobile and drive to the twenty-one hundred block of 10th Street, Northwest, where he contacted the unidentified colored man.

Q. Is that the same man he had contacted on previous days about which you testified? A. Yes, it was the same unidentified colored man about which I testified previously. He then drove to 1476 --

39 Q. Did anything happen between the two of them? A. I am sorry. The unidentified colored man passed him a brown paper bag through the window of the car.

Q. And then what happened? A. He was then observed to drive to 1476 Newton Street, Northwest, and park and enter the basement of the premises without any bulge to his clothing. He remained there a short while and then departed the premises and entered his automobile with bulging pockets. He was then followed to 716 Kenyon Street, Northwest, where he entered the premises.

Q. Now then, did you notice anything about 716 Kenyon Street at that time? A. Yes, sir. When he entered 716 Kenyon Street there was some unidentified colored females and males -- I would like to check that, whether it was both --

Q. Do you need your notes to refresh your recollection at this point? A. I want to make sure.

MR. FLANNERY: Your Honor, may the witness refresh his recollection?

THE COURT: He may.

THE WITNESS: Yes, it was colored males and female on that day.

BY MR. FLANNERY:

Q. What did you notice about them, if anything? A. That they entered the premises with bulging pockets and/or pocketbooks.

40 Q. And then what would you notice as far as they were concerned after they entered the premises? A. After they entered the premises

they would depart the premises without any bulge to their persons, pockets or pocketbooks.

Q. With respect to Hall, did you notice him leave those premises?

A. I observed Hall leave these premises and he had extremely bulging pockets, and he entered his automobile and drove to 922 Florida Avenue, where he departed his car without any bulge to his pockets at all and he entered the premises 922 Florida Avenue, remained a short while, and then entered his car with bulging pockets. He was then followed to the seventeen hundred block of Willard Street, Northwest, Washington, D. C., where he parked and walked north on 18th Street, Northwest.

Q. What, if anything, did you observe after that? And at what time? A. I would like to check my notes on this.

MR. FLANNERY: May he, Your Honor?

THE COURT: The witness may.

MR. FLANNERY: Very well.

THE WITNESS: A short while afterwards --

41

BY MR. FLANNERY:

Q. And what time would that be? A. 2:35 p.m., sir.

Q. All right. A. Hall and the defendant Parran were observed to come back to the car, with Parran carrying a brown paper bag. They entered the automobile and were followed to the eleven hundred block of 6th Street, Northeast, where they parked. Hall got out of the car, without any bulge to his clothing, and entered premises 1110-A 6th Street, Northeast. He remained there a short while and then he came back to his automobile with bulging pockets, and then he was lost in traffic at 18th Street, Northeast.

Q. Does that conclude your observations for that day? A. Yes, sir, that concludes my observations for that day.

Q. Now, I call your attention to August 21, 1958, did you make observations on that day? A. Yes, sir, I did.

Q. Very well. Now, starting with the time and the place of the first observation, will you relate to the Court what, if anything, you observed. A. Yes, sir. At approximately 12:58 p.m., on August the

21st, 1958, I observed Hall drive to the rear of the United States Coast
42 Guard Building and contact Moses Wilson at the guard's shack. He was
observed to depart the guard's shack with a brown envelope in his shirt
pocket. He was then followed to the twenty-one hundred block of 10th
Street, Northwest, where he contacted the same unidentified colored
male as has previously been described, and this unidentified colored
male gave him a package through the window.

Q. Very well. And then what, if anything, did you observe after
that? A. Hall was then followed to the fourteen hundred block of Newton
Street, Northwest, where he entered premises 1476 Newton Street, North-
west, basement, without any bulge to his clothing at all. When he came
out of the premises 1476 Newton Street, Northwest, he had bulging pockets,
bulging pants pockets. He entered his automobile and was followed to 716
Kenyon Street, Northwest.

Q. Then what occurred there? A. Hall entered with bulging
pockets at 716 Kenyon Street, Northwest, and he remained a short time
and he came out with bulging pockets -- with extremely bulging pockets.
He then entered his automobile, GR-298, and was followed to 922 Florida
Avenue, Northwest.

43 Q. With respect to 716 Kenyon Street, while Hall was in the
premises did you notice anything about the premises? A. Yes,
sir. On that date there were two colored females that were observed to
enter with bulging pocketbooks.

Q. And did you observe them leave? A. Yes, sir, and I observed
them depart the premises without any bulge to their pocketbooks.

Q. Very well. Now, then, when I interrupted you you said Hall,
I believe, went to Florida Avenue, the nine hundred block. A. Yes, sir.

Q. What occurred from that point on? A. He went to 922 Florida
Avenue, Northwest, without any bulge to his pockets at all, and he
remained there a short while and then he came out with a bulge to his
pockets.

Q. Very well. And then what did you observe after that? A. He
was followed to the seventeen hundred block of Willard Street, North-

west, where he parked, and he was observed to walk north on 18th Street, Northwest.

Q. Did you observe anything else? A. Yes. I would like to check my notes on it.

Q. Very well. A. Hall was observed to return to his car with bulging pockets. He was then followed to 1110-A 6th Street, Northeast,
44 where he entered the premises minus any bulge to his clothing. At approximately 2:46 p.m. Hall came out of 1110-A 6th Street, Northeast, with bulging pockets, and he was lost on that particular day at 18th and D Streets, Northeast.

Q. On August 25, 1958, did you make observations? A. Yes, sir. My recollection is hazy on this.

MR. FLANNERY: May he use his notes as to that date, Your Honor?

THE COURT: He may.

BY MR. FLANNERY:

Q. Now, as to August 25, 1958, what did you observe, if anything?

A. At approximately 2:43 p.m., I observed Hall enter premises 1110-A 6th Street, Northeast without any bulge to his clothing. He remained there approximately five minutes and he was observed to depart with a bulge to his pockets.

Q. Did you observe anything after that? A. And at 2:55 p.m., Hall had been followed by myself to premises 423 18th Street, Northeast, where he was observed to enter Apartment No. 9, minus any bulge to his pockets. And at approximately 3:10 p.m., Hall was observed to depart the premises with a bulge to his pockets. And on this day I observed the regulation numbers book in his hip pocket.

45 Q. Did that conclude your observations? A. That concluded my observations on that day.

Q. Now, let's pass on to August 26 and please relate what, if anything, you observed on that date. A. Yes, sir. At approximately 1:35 p.m., I observed Hall park in the seven hundred block of Kenyon Street, Northwest, and enter 716 Kenyon Street, Northwest, with bulging pockets. I observed several colored females and males enter with

bulging pockets and/or pocketbooks, and they would remain a short while and depart without any bulge to their pockets and/or pocketbooks.

Q. Go ahead. A. At 1:50 p.m., Hall was observed to depart 716 Kenyon Street, Northwest, with a large noticeable bulge to his pockets, and at 1:55 p.m., Hall was observed to enter 922 Florida Avenue, Northwest, minus any bulge.

Q. Did you discontinue your observations at that point? A. I discontinued my observations at that time, sir.

Q. On August 27, did you make observations? A. Yes, sir, I did.

Q. What, if anything, did you observe on August 27th? A. At 2:45 p.m., Hall was observed to enter 1110-A 6th Street, Northeast, minus any bulge to his clothing, and at approximately 2:48 p.m., Hall departed 1110-A 6th Street, Northeast with bulging pockets. At 2:35 p.m.

46 Hall was observed to enter 423 18th Street, Northeast, apartment No. 9. On that particular observation there I have it in my notes but I myself did not observe his condition.

Q. Well, don't testify about anything except what you saw. Did you make any further observations that day? A. I just observed him depart the building on that day.

Q. Now then, I call your attention to September the 3rd, 1958. Did you make observations on that day? A. Yes, sir, I did. At approximately 12:55 p.m., I observed Hall contact Moses Wilson in the rear of the United States Coast Guard Building, and Moses Wilson handed Hall several brown packages and Hall departed the premises at 1:00 p.m.

Q. What, after that, did you observe? A. At about 1:28 p.m., I observed Hall enter 716 Kenyon Street, Northwest, with bulging pockets. On that date, during the time between 1:28 and 2:00 p.m., I observed several colored females enter the premises with bulging pockets and/or pocketbooks, and they were observed to depart the premises without any bulge to their pockets or pocketbooks.

Q. Very well. Go ahead. A. At 2:00 p.m., Hall was observed to
47 depart the premises with a large bulge, and at 2:50 p.m., Hall entered 1110-A 6th Street, Northeast minus any bulge to his clothing.

At 3:05 p.m., Hall departed 1110-A 6th Street, Northeast, with bulging pockets. And at 3:10 p.m., Hall entered 423 18th Street, Northeast, Apartment No. 9, minus any bulge to his pockets, and departed the premises with bulging pockets.

Q. Now, we will go on to September the 12th, 1958. Did you make any observations on that day? A. Yes. At 3:05 p.m., Hall entered 423 18th Street, Northeast, Apartment No. 9, with Parran who was carrying a large -- pardon me, was carrying a brown paper bag on that day.

Q. Did you make any further observations or did that conclude your observations on that day? A. That concluded my observations on that day.

Q. On September 15, 1958, did you make observations? A. Yes, sir, I did.

Q. Please relate what you saw on that date. A. At approximately 1:05 p.m., I observed Hall contact Moses Wilson at the rear of the United States Coast Guard Building and Moses Wilson handed Hall a brown envelope which Hall held in his right hand, which he was carrying in his right hand.

48 At 1:06 p.m., Hall departed the area. At 1:11 p.m., Hall double parked in the twenty-one hundred block of 10th Street, Northwest, and contacted the same unidentified colored male that has been previously described, and received a brown package.

At 1:20 p.m., Hall entered 1476 Newton Street, basement, minus any bulge to his clothing.

At 1:22 p.m., Hall departed 1476 Newton Street, Northwest, with a noticeable bulge to his pockets, and at 1:28 p.m., Hall was observed to enter the rear of 716 Kenyon Street, Northwest, with a noticeable bulge to his pockets.

At 1:30 p.m., I observed two colored females enter with bulging pocketbooks by the front door, and at 1:35 p.m. I observed the two unidentified colored females depart 716 Kenyon Street, Northwest, without any bulging pockets.

At 2:00 p.m., Hall was observed to depart the premises 716 Kenyon Street, Northwest, with bulging pockets.

At 2:05 p.m., Hall was observed to enter 922 Florida Avenue, Northwest, minus any bulge to his clothing, and at 2:06 p.m., Hall came out of 922 Florida Avenue, Northwest, with a noticeable bulge in pockets.

At 2:11 p.m., Hall parked in the seventeen hundred block of Willard Street, Northeast, and walked north on 18th.

49 At 2:35 p.m., I observed Hall enter 1110-A 6th Street, Northeast, with bulging pockets.

Q. Anything after that? A. At 2:40 p.m., I observed Hall depart premises 1110-A 6th Street, Northeast, with bulging pockets, and at 2:48 p.m., I observed Hall enter 423 18th Street, Northeast, Apartment No. 9, with bulging pockets, and I kept the premises under surveillance until 3:45 p.m., and at that time I hadn't seen Hall come out of the premises.

Q. Did you conclude your observations at that time? A. I concluded my observations then.

Q. I believe that concluded your observations in this case?
A. Yes, sir.

Q. Until the arrest on September 18th, is that correct, sir?
A. That's correct.

* * * * *

CROSS EXAMINATION

BY MR. MITCHELL:

Q. Mr. Poyner --

MR. MITCHELL: I presume, if it please the Court, that the document I am now about to show to this witness, is contained in the Court's jacket. Pursuant to the rules it should be.

THE COURT: What is the document?

50 MR. MITCHELL: It is what is denominated, if Your Honor please, as a search warrant. It bears Commissioner's Docket No. 70, Case No. 331.

THE COURT: It is not in the Court's jacket. I assume it is in the files of the United States Commissioner. I will ask the clerk to send down for it. You may proceed.

MR. MITCHELL: For the purpose of the record, I now hand to the witness the document heretofore identified.

BY MR. MITCHELL:

Q. Mr. Poyner, I will ask you, sir, if that is your signature.

A. Yes, sir, that is my signature.

Q. And your signature to that was taken under oath, was it not?

A. Yes, sir, that was.

Q. And before the United States Commissioner? A. Yes, sir.

Q. Now, you have read this statement through, have you not?

A. Yes, sir.

Q. And the facts which you have recited from the stand are true?

A. Yes, sir.

Q. Now, let me first ask you this question, if I may, sir:

51 It states in here that you received a complaint that a 1956 Chevrolet D. C. registration GR-298, was picking up numbers from the Guard Moses M. Wilson at the rear of the United States Coast Guard Building every day between the hours of 1:00 and 1:10 p.m. A. Yes, sir.

Q. And that as a result of that complaint that you, Officer Hilton, and one Officer Evans were assigned to investigate. A. Yes, sir, that's correct.

Q. Now, from whom, sir, did you receive such a complaint?

MR. FLANNERY: Well, Your Honor, I would object to that. It might be to the revelation of a confidential informant. I think it is immaterial as far as this trial is concerned.

THE COURT: What is the materiality, Mr. Mitchell?

* * * * *

59 THE COURT: I assume Mr. Mitchell's question to this witness at this time is addressed to the witness' credibility as a witness in the present trial. I am confining the Court's ruling at this time solely to the pending question. I am going to sustain the objection.

I do so because I think the Court must recognize a distinction in an affidavit in which a confidential source is merely the beginning of an investigation, in this case a lengthy investigation, and a case where

conceivably the police act directly upon the source of confidential information to make an arrest. I think there is a distinction between making an arrest and making an investigation in these cases.

I think this is a case in which an investigation was made, which makes the identity of the informant become immaterial in the case.

I will sustain the objection. Ask your next question.

MR. MITCHELL: May I urge this on Your Honor for the record: I also, at this time, if Your Honor please, indicate to the Court that I asked the question in connection with the issue relative to the legality of the issuance of the warrant. As I understand the Gatewood --

60 THE COURT: As far as the legality of the warrant is concerned, I understand that Judge Keech or Judge Letts, depending upon which defendant -- they are numbered 1, 2, and 3 -- have each held hearings on the question to suppress and I believe that becomes the law of the case, Mr. Mitchell.

MR. MITCHELL: Well, may I just say this, then, to protect myself on the record: I think, if Your Honor please, or I take the position that under the Gatewood case that the Court, that the trial court is the final determiner with respect to the issues of legality and that the defendant has the right to raise before the trial court the issues anew. That is, I suppose, in effect de novo. And therefore we feel that under the Gatewood case we have that right at this time, Your Honor, and we so urge Your Honor.

THE COURT: I think that an issue should be made of this point because the rule says that the motion to suppress may be raised at any time. It doesn't say that it may be raised once at any time, but merely says at any time. I do believe, however, that for the purpose of the record you are completely protected when you renew your motion to suppress. But I believe in the interest of efficiency and proper administration, the Court should adopt the policy that once a hearing is held on these motions to suppress that for that case it becomes the law of the case.

Now, your next question, Mr. Mitchell.

61

BY MR. MITCHELL:

Q. Now, sir, you testified that on August the 8th that you saw the defendant Hall at the Coast Guard Building, and that you saw him contact, so you used the word, one Moses Wilson. And that he got a small envelope from Moses Wilson. That is on August 8, is that right?

A. Yes, sir.

Q. Now, who was with you at that time? A. Officer Glen A. Hilton, sir.

Q. Anyone else? A. No, sir.

Q. How did you proceed to the Coast Guard Building? A. Beg your pardon, sir?

Q. How did you get there, how did you go to the Coast Guard Building and when did you go there, what time? A. I was there from about 11:30, sir, up until -- I drove.

* * * * *

62

Q. And where did you go in relation to the Coast Guard itself and this shack where you say you saw the defendant Hall? Where were you? A. I was, I believe it is 13-1/2 Street that is between the District Building and the Coast Guard Building. It is a little street, 13-1/2 Street --

Q. What is it called, sir? A. 13-1/2 Street -- 13-1/2. I believe that's the name of the street, I am not sure of that particular -- I believe that is 13-1/2 Street, sir.

63

Q. You were just standing in that street? A. No, sir. I was going to explain to you that I drove down to the end of the street and I made a right turn and there was some government cars there, vehicles, and they are parked on an angle, and it was a parking lot just at the end of the street and I was the second car from the end.

Q. You were parked? A. Yes, sir.

Q. And all this while Officer Hilton was with you? A. Yes, sir.

Q. And how many feet, sir, would you say you were away from this premises where you say that the defendant Hall went into? A. I would say about as long as this courtroom, sir.

THE COURT: 57 feet, Mr. Mitchell.

* * * * *

64 BY MR. MITCHELL:

Q. And from that position 50 feet away you were able to see into that shack, and you at that time say that you saw Moses Wilson hand this man a brown package, right? A. Small yellow envelope.

65 Q. Small manila envelope, and you saw that from where you were? A. Yes, sir.

Q. Did you have opera glasses; do you know what I mean? A. A. Binoculars, yes.

Q. Were you using those at the time? A. No, sir.

Q. Was there a light on in this shack? A. No, sir.

Q. In relation to the position where you were and where the shack was, do you know where the sun was on that day? A. I didn't notice, sir.

Q. Well, did you know whether it was in front of you, over your head or behind you? A. Well, I guess it was over my head. I assumed that it was probably over my head at that time of day.

Q. So you had no difficulty, no glare or anything of that sort, that would disturb or distort your sight? A. No, sir.

Q. You had no difficulty seeing at all? A. No, sir.

Q. Now, what was in the manila envelope, sir? A. I do not know, sir.

66 Q. And were you able to determine the size of this manila envelope that you saw, sir? Was it letter-size like they use in the government, or was it the size of one of these things here that I am now showing you, which is an evidence envelope? A. It was about the same width but not quite as tall. About half of that.

* * * * *

Q. Now, then, on that day, sir, you said that after you saw that Hall drove away. A. Yes, sir.

Q. Now, in relation to where you were parked how far away was Hall's automobile? A. Are you talking about at the rear of the Coast Guard Building?

Q. On the 8th day of August 1958, when you say that you saw Hall come and contact Moses Wilson. A. Well, he was able to drive right beside the shack, sir.

67 Q. Now, then, at that time, sir, his car was between you, that is your view where you were parked, and the shack, isn't that true?

A. No, sir. He had pulled up. The shack isn't any bigger than a telephone booth, maybe some bigger.

Q. Did you pull up in front of the shack? A. I don't know which is the front or which is the back, but --

Q. Well, where is the door? Were there two doors to the shack? A. No, that's right. There was one door.

Q. Well, that would be front, wouldn't it? A. Yes, that would be the front.

Q. Well, did he pull up to that door? A. He pulled up past the front of the shack.

Q. Did he park? A. Yes, sir, he parked.

Q. Now, in relation to where you were and where your car was parked, was his car between your car and the doorway to the shack? A. No, sir.

Q. Then he parked his car and he got out and he went into the shack. A. Yes, sir.

68 Q. And while he was inside the shack that is when you saw this man hand him a yellow manilla envelope? A. It wasn't exactly inside, sir. It was in the doorway there.

Q. Well, the man came to the door and handed him outside then? A. No, sir. They were both in the doorway of the shack.

Q. Well, how big a doorway is that, sir? Would you say? A. About as wide as this.

Q. Just in terms of feet. Was it three feet wide, four feet wide? A. I would say about four feet.

Q. It would be, then, wider than the normal door? It was wider than this door here or the door behind you? Isn't that right? A. It is about the size of this door here, sir.

Q. How long did he stay there? Can you tell us without looking at your notes? A. It was only about a minute or two, sir. Approximately a minute, or two or three minutes, maybe.

Q. Then he left? A. Yes, sir.

Q. And did you pull out behind him? A. Yes, sir, I did.

69 Q. And how near were you to him? Immediately behind him?

A. No, sir.

Q. Well, how far away were you? A. Well, when he first pulled out I was a good little ways behind him, and the red light stopped him at 13th and Pennsylvania Avenue, and I was stopped at 13-1/2 and E Streets, and I would pause there for a moment to see him make the green light, and he went north on 13th Street and then I followed him.

* * * * *

70 Q. But at any rate, sir, you did not lose him from your view?

A. No, sir.

Q. And Officer Hilton was with you while this was being accomplished? A. Yes, sir.

Q. And then there came a time, sir, that you saw him go to the twenty-one hundred block of 10th Street, was it, you said? A. Yes, sir, I did.

Q. When he got to the twenty-one hundred block of 10th Street, Northwest, sir, and when he parked, where were you in relation to his automobile? How far away were you? Were you parked at the curb, parked in the street, or just where were you and where did you make your observations from? A. I went past him. I passed him and he was double parked and stopped. I passed him, went right behind him, just passed him. And I saw --

Q. You passed him and kept going? A. Kept going up to the end of the street.

Q. Yes. A. And I parked.

Q. Where did you park? A. I parked at Florida Avenue and 10th.

71 Q. You parked at Florida Avenue and 10th? A. Yes, sir.

* * * * *

Q. Now, in relation to where you were at the end of that block where had the defendant stopped? A. The defendant had stopped a block away.

72 Q. And you made your observations from where you stopped your car and from where you were parked? Is that correct?

A. No. What I said was that I saw the man give him the package as I was passing him and I pulled to the other corner and stopped. He started up again and then I turned around. I had parked to see which way he was going to go.

Q. Well, this man handed him a package just as you were passing by? A. Yes, sir.

Q. And how do you describe that package, sir? A. A small brown package.

Q. Well, describe it, sir. A. I am sorry. It is like a little paper bag.

Q. Well, was it a paper bag? A. Well, driving by it was hard for me to say just whether it was a paper bag, I know it was a package. I described it to the best of my ability as a package.

Q. Can you tell us its thickness or its width, or anything of that sort? A. I would say about four inches, four inches, maybe by 3. It was something similar to that envelope there.

Q. And how thick was it? A. About, maybe a quarter of an inch.

* * * * *

73 Q. And Officer Hilton was with you at the time? A. Yes, sir.

Q. Now then, what did you observe the defendant do, Officer?

* * * * *

A. I observed him depart the area, go up to Florida Avenue and make a left turn, and at that point he went up 13th Street and I lost him at Monroe.

Q. Did you go up 13th Street, did you follow him and trail right along behind him up on 13th Street? A. Yes, sir.

Q. Now then, sir, the next time that you say that you saw the defendant Hall was on August the 12th? A. Yes, sir.

Q. * * * Now, on August the 12th, sir, who was with you?

* * * * *

A. I am almost sure but I would like to -- I think Officer Hilton, Evans, and myself. Just the three of us.

* * * * *

74 Q. Now, tell us what you observed on that date, sir. A. We
75 observed Hall driving to the twenty-one hundred block, double
parking at the twenty-one hundred block of 10th Street, and this un-
identified colored male handed him -- * * * Unidentified colored
male came and gave him a small package, as I previously described.

Q. He gave him the same package he had given him the day
before? A. No, a similar package.

Q. And just as you described that, being about 3-1/2 by 4 inches,
and about a quarter of an inch thick. A. Roughly, yes, sir.

Q. And where was that done? Was that done at the exact same
spot that it had been done the day before? A. A few feet more or less,
yes, sir.

Q. And where were you on that day at the time you made the ob-
servation, sir? A. I was at the Garfield Hospital grounds. I think it
is Garfield Hospital at 11th and Clifton. It is a hospital that had been --

Q. That is Garfield Hospital. Were you on the grounds of that
institution? A. Yes, sir, I was up on the hill.

76 Q. And Officers Evans and Poyner were with you at that time?
A. Officers Evans and Hilton.

Q. That's what I mean. Officer Evans and Poyner and Hilton
were together. A. Yes, sir.

Q. The three of you were together? A. Yes, sir.

Q. And how far up into those grounds were you? A. With
respect to the gate I would say we were about one hundred feet.

Q. Were you secreted? I mean, were you in such position so you
would be hidden, so you couldn't be easily seen? A. No, sir.

Q. Did you have field glasses with you that day? A. Yes, sir.

Q. And were you using the field glasses? A. Yes, sir.

Q. And did you have three pairs of field glasses? A. No, sir.

Q. So at the time the observations were made you were the one using the field glasses? A. Yes, sir.

77 Q. Now, about how far in terms of blocks would you say the defendant was away at that time? A. Approximately two blocks, sir.

* * * * *

Q. Now, after having made that observation, sir, then what further did you do or see? A. On that particular day he was followed to 1476 Newton Street, Northwest.

Q. Now, your car at the time, sir, that you were on those hospital grounds, or the car being driven by you that belonged to Officer Evans, where was it? A. Where was the car?

78 Q. Yes. A. We were sitting in the car. With respect to the gate I would say about a hundred feet from the gate at -- there is a gate at 10th and Florida Avenue.

Q. Is it your testimony -- I want to be sure I understand this, son -- it is your testimony that you were in the automobile 100 feet away from that gate at the time you made that observation. A. I would say approximately 100 feet from that gate.

* * * * *

Q. And you made that observation while you were seated in that car? A. Yes, sir.

Q. You were driving, weren't you? A. Yes, sir. I was sitting behind --

Q. So when you drove into that ground, sir, that put you on the left side of the car, didn't it? A. No, sir. We turned the car around, faced down the hill.

Q. Oh, you went up into the grounds and turned the car all around. You went all the way up into the grounds and turned around? A. Yes, sir. We were there before he got there. We were set up.

Q. I didn't ask you that. So at the time, sir, that you made your observation your car was headed in a direction coming out of the

79 entrance to the hospital at 10th Street? A. Yes, sir.

* * * * *

Q. Now, at the time that you say you saw this man give him a package, did the man come to the car and give him a package? A. Yes, sir. He passed it -- * * * through the window.

* * * * *

80 Q. Now then, in which direction was the defendant's car headed at that time, sir? A. The defendant's car was headed north, sir.

Q. And so the defendant's car was headed in the very opposite direction that you were headed. In other words, it was facing you, wasn't it? A. That's correct, sir.

Q. So now, then, after this transaction, sir, that you say that you witnessed, where did the defendant go? I mean, did he come closer to you? A. He came towards me, yes, sir.

Q. Did he pass by your car? A. I backed up; yes, sir.

Q. You backed up. A. He didn't pass my car, no, sir.

Q. Did he pass in front of your car? A. He passed in front of my car, yes.

Q. You say you backed up? A. Yes, sir.

81 Q. Now, where did you back up to? A. Backed up around the bend and I sent to either Officer Evans or Officer Hilton, I don't know which one, down on the street to let me know which way he was going to come, so when I got to the corner all he would have to do was point.

Q. So you backed up your car and at that point you could not see the defendant Hall, could you? A. No, sir, I could not.

Q. And then one of the officers, either Poyner or Evans, later told you the direction in which he had gone? A. Yes, sir.

Q. Now, having learned the direction in which he had gone, you then pursued that direction, did you? A. Yes, sir.

Q. And did there come a time you saw his automobile? A. Yes, sir.

Q. Now, which way did he go? Did he go up 11th Street, 13th

Street, or 14th Street, or 15th Street? Which way did he go? A. He went up 11th Street, sir.

Q. And you turned and you followed him up? A. Yes, sir.

* * * * *

82 Q. What route did he take and what route did you follow him to Newton Street? A. I followed him up 11th Street to Lamont.

Q. Yes, sir. A. Left on Lamont to 13th; right on 13th to Monroe, left on Monroe to 14th, right on 14th to Newton.

Q. And then where, sir? A. And then he parked in front of 1476 Newton.

Q. Where did you park? A. I passed by him. I didn't park at all. I parked -- Yes, I did, I am sorry, sir. On the other side of 16th Street. I went over and turned around.

Q. Sir? A. I went on the other side of 16th Street.

Q. All you saw him do was go into 1476 Newton, is that right?
A. Yes, sir.

Q. When you passed his automobile is it your testimony, sir, he had gotten out of his car and had gone into the premises? A. Yes, sir.

* * * * *

83 Q. You saw him go into the basement of 1476 Newton Street from the front? A. From the front, yes, sir.

* * * * *

84 Q. Now, how long did you gentlemen remain parked there?
A. Approximately five minutes, sir.

Q. Now, then, when you saw the defendant get into his car you at that time were headed -- your car at that time was headed in a westerly direction on the west side of 16th Street. A. That's correct, sir.

Q. Now, when he got into his car and drove away, which way did he go? A. He went south on 16th Street, sir. And he made a left turn on, I think it is Meridian. I am not sure of the street, but I think it is -- yes, it is Meridian.

Q. Where were you? A. Where was I?

Q. Yes. A. I was sitting in the car.

Q. You had not moved your car from the west side of 16th Street at that time? A. Oh, I had backed my car out on 16th Street.

* * * * *

85 Q. Then where did you see him go? A. He went out Monroe Street to 11th and left -- I am sorry, right on 11th, and south on 11th, to Kenyon. And left on Kenyon.

Q. Well, let me be sure I understand you. I understood you to say he left Newton Street, turned left and went into Meridian Place.

A. No, I said 16th Street, sir, and then left into Meridian.

Q. And he went left and that carried him in the easterly direction, is that correct? A. Yes, sir, that's correct.

Q. Now, then, he went to where? A. He was going out Meridian in an easterly direction, and Meridian at 14th, on the other side, well, it runs into Monroe on an angle, a short angle. It runs into Monroe.

* * * * *

87 Q. So you went east on Monroe to where? A. To 11th Street.

Q. And then where? A. South on 11th to Kenyon.

Q. And then left on Kenyon to 716? A. That day he went to the rear of the premises.

Q. Did you go into the alley? A. Yes, sir -- no, no, I am sorry. No, sir, I did not go into the alley.

Q. Where were you? A. I went past -- when he went to the alley, one of the officers got out of the car.

Q. Which one? A. I do not remember, sir.

Q. One of the officers got out of the car and did what? A. And walked through the alley. I believe it was Officer -- yes, it was Officer

88 Hilton on that day. I am almost sure it was Officer Hilton.

Q. So then your car, as far as you are concerned, you passed on by the alley? A. Yes, sir.

Q. You didn't see him do anything -- you didn't see him go into 716 Kenyon Street, did you? A. No, sir.

* * * * *

Q. Now, sir, did you on August the 8th hear any conversation that was had between the defendant and Moses Wilson? A. No, sir.

Q. Did you on August the 12th hear any conversation that was had between the defendant and Moses Wilson? A. No, sir.

Q. Did you hear any conversation had between the defendant and this man that you say he had met in the twenty-one hundred block of 10th Street, Northwest? A. No, sir.

Q. Now, with respect to the three dates, sir, concerning which you have been asked to testify thus far on cross-examination, did you at
89 any time see what was in Mr. Hall's pocket? A. Never, sir.

Q. Now, when you passed on this date, sir -- when you passed the alley and one of the officers got out, did you park the car? A. Yes, sir.

Q. Where did you park that car and who was present with you at the time you did so in relation to 716 Kenyon Street, Northwest? A. I am not sure, sir, where I parked the car that day. I am not sure.

Q. Well, did you see Hall come out of 716 Kenyon Street? A. No, sir, I didn't.

Q. Sir? A. No, sir, I did not see him come out of 716 Kenyon.

Q. The next time you saw Hall he was driving his car; is that right? A. Yes, sir, that's correct.

* * * * *

91 Q. Now, then, sir, on August the 13th, where were you when you first saw and with whom were you when you first saw the defendant Hall?

A. I was with Officer Hilton, and Officer Evans.

Q. Incidentally, sir up to this date you had not seen this defendant Parran, had you? A. No, sir, I had not.

Q. Now then, sir, you were with Officers Hilton and Evans and you first saw the defendant Hall where? A. I saw the defendant Hall driving to the twenty-one hundred block of 10th Street, Northwest.

Q. And where were you when you saw him do that? A. I was up on the Garfield Hospital grounds, sir.

Q. Were you parked? A. Yes, sir.

Q. And were you on the roadway and in the vehicle? A. Yes, sir.

Q. And were you in approximately the same position that you had been on the previous date? A. Yes, sir.

Q. Did you again on the 13th engage the use of binoculars as you had on the 12th? A. Yes, sir.

Q. And the observations then that were made on the 13th were made by you personally with binoculars; is that correct? Can you tell us that without looking at your notes, sir? A. I am not sure, sir. I am almost
92 sure that I made observations on that -- wait a minute --

* * * * *

A. I do not have in my notes whether I specifically observed Hall through the binoculars on that particular day, sir, but I am almost sure that I made the observations.

Q. Now, on this date, sir, as on the previous day, you say you saw a man come, hand him the packages, and for the purpose of expediting it was a package of approximately the same size as you have previously testified to, and he handed that to Hall and Hall was seated in the car, parked, or double parked in the street. Is that right? A. On this particular day, sir, I stated that I observed this man give him a brown paper bag.

93 Q. Now, on this day he was clearly able to establish or to discern that it was a brown paper bag. A. Yes, sir.

Q. You saw this man give him a brown paper bag and at which time then Hall drove off? A. Yes, sir.

Q. Now, did Hall drive off, sir, in the same direction that you had seen him drive before, that is, approaching and passing in front of the vehicle which you were operating or at least passing in front of the gateway which leads to the Garfield Hospital and then proceeded on Florida Avenue to 11th Street and then turn right on 11th Street and go out 11th Street. Did he do that? A. Yes, sir.

Q. And did you as on the previous days, sir, dispatch one of the officers to go down and to stand there on the street and ascertain the direction which Hall travelled? A. No, sir, I did not do that on this particular day, sir.

Q. So on that particular day you just assumed, did you not, that he was going to take the same route so therefore you just came on out of the hospital grounds from the place where you had been secreted and then went on up 11th Street and followed him. Is that correct? A. Yes, sir,
94 that's correct.

Q. Now, did you then, sir, on this day, did you do as you had done the previous day, follow him and watch him park his car in front of premises 1476 Newton Street and that you then passed by, went over to the west side of 16th Street, Northwest, where you parked your car? A. No, I did not go to the west side --

Q. Tell us what you did this day that was different from the proceedings in the day before? A. I do not know the name of the street, sir, I think it is Center Street. I am not sure of the name of the street, but it is a street that runs south parallel to 16th Street, at Newton. I was parked there.

Q. You were parked there when? A. When -- after Mr. Hall had gone into the basement.

Q. Well, you were parked there after he went in? A. Yes, sir.

Q. I see. Well, where were you when he went in? A. I was coming out Newton Street.

Q. So you were right behind him coming out Newton Street? A. Yes, sir.

Q. And as he went into the premises? A. Yes, sir.

Q. And did he on this day, sir, go into the basement of this
95 premise, of this apartment house?

* * * * *

A. On this particular date, sir, I have the check in my notes that Officer Evans had already been sent up there in front of 1476 Newton Street, Northwest, to make observations to determine just what Mr. Hall had when he went in, and I have a notation in my notes that Evans takes over observations there.

* * * * *

Q. Then, Mr. Evans, at the time you observed Hall, or as you say that you observed Hall on August the 13th, was not with you, was he?

96 A. Yes, sir, he was with us. I have it here now.

Q. Did you testify, sir, that immediately at the time that this man handed him this bag he pulled off and he came in the same direction where your car was, and passed by that gate? Did you testify to that?

A. Yes, sir, I did.

Q. Did that happen. A. Hall passed in front of us, yes, sir.

Q. Now, had Hall passed by that gate before you or anyone else had left the hospital premises? A. No, sir.

* * * * *

Q. Tell us what happened. A. As soon as Hall came to the twenty-one hundred block of 10th Street, I saw this unidentified man contact him. I then sent Evans up to 1476 Newton Street.

Q. I just want to ask you this question: Where was Mr. Evans' car? A. It was on the grounds also, sir.

97 Q. Was it in front of yours or behind yours? A. He was behind -- he was parked behind me, but he was in the car with us.

Q. So he was in the car with you. Here the defendant, you say, had double parked in the street, a man came out, handed him a package, and he pulled off. Isn't that what you said he did? A. Yes, sir.

Q. Do you now tell us that before he could reach the gate that Officer Evans had gotten out of your car, gone into his car, come past your car and gone to Newton Street? A. No, sir, I did not say that. I said he was parked behind me. Now, Evans was faced in an opposite direction. As you know, there are two ways out of there. You can keep up around the hill and come out at 11th and Clifton. That is what Evans did. He did not have that red light that Hall had.

Q. Your testimony is that Mr. Evans' car was headed in the direction opposite to the direction that yours was headed in at the time that you all were there making observations? A. Yes, sir.

Q. And it is your testimony, sir, that Officer Evans, as far as you know, was already parked, you saw Officer Evans already parked

at the time when you saw this man arrive at Newton Street and get out of
 98 his car? A. When I went on Newton Street I didn't see Officer Evans. I didn't know where Officer Evans was.

Q. When you went into Newton Street and you were behind this man's car, did you see Officer Evans? A. No, sir, I did not.

Q. Now, there came a time, did there not, when you passed by this man, that you passed Center Street? Right? A. Yes, sir.

Q. Did you see Officer Evans then? A. Yes, sir.

Q. Where was he, Mr. Poyner? A. He came from around the corner.

* * * * *

99 Q. Now, there came a time that Hall came out of Newton Street; right? A. Yes, sir.

Q. Did you see him? Can you tell us that before you read your notes? A. Well, before I read my notes, sir, on that, to the best of my recollection, Evans had come down and joined us, had left his car parked -- and I don't remember now where it was -- and all of us got into this one car, the car I was driving, and we all observed Hall come out.

Q. Come out of Newton Street? A. Yes, sir.

100 Q. And at that time, sir, your car was parked, the car in which all of you were seated, was parked on Center Street? A. That's right, yes, sir.

Q. Then what happened? A. May I -- well, to the best of my recollection he went south on 16th to Meridian, and east on Meridian to 14th where it runs into Monroe, and east on Monroe to 11th, south on 11th to Kenyon. East on Kenyon to 716.

Q. And at the time, sir, you say you saw him go to 716 -- did you see him go to 716?

* * * * *

A. To the best of my recollection I saw him go in 716 Kenyon.

Q. All right, that is your best recollection that you saw him go in there. A. To the best of my recollection, yes, sir.

Q. That is all right. Where were you at the time that you saw him go in there? A. We were about, I guess, three or maybe four cars behind his. To the best of my recollection.

101 Q. Where were you parked? Where were you in relation to where 716 Kenyon Street, Northwest, when you saw him go in? I want to know how far away were you? Where were you? A. About three or four doors down. I don't know if he noticed me going up, so I will say I guess I was in front of 720 or 722 Kenyon.

* * * * *

102 Q. Now, did there come a time that you saw him leave 716 Kenyon Street?

* * * * *

A. * * * Yes, sir, there was a time when I saw Hall leave 716 Kenyon Street, Northwest.

Q. Now, when you saw him go in, sir, you said he had bulging pockets? Did you see him have bulging pockets? A. Yes, sir.

Q. Which pocket? A. Both pockets.

Q. By both pockets you mean what? A. The trouser front
103 pockets, front trouser pockets.

* * * * *

104 Q. You didn't see anyone give him anything? A. No, sir, I did not see anyone give him anything.

Q. And then you followed him. He got into his car and, I believe you said you were parked about three cars away from him. A. Yes, sir.

* * * * *

Q. Now then, when he came out and he pulled off, you all pulled off and trailed him. Is that correct? A. Yes, sir, that is correct.

* * * * *

105 Q. At any rate, sir, you followed him to Florida Avenue and at that time, sir, you observed him enter 922 Florida Avenue, right? A. Yes, sir.

Q. Now where were you in relation to 922 Florida Avenue at the time you say, sir, that you saw him enter those premises? A. I was at the corner of 9th and V. I was on 9th Street, but north of V, sir. I was parked just across the street.

* * * * *

107 Q. It is your testimony, sir, that you were parked adjacent to the dance hall there at 9th and V Streets, Northwest, together with Officers Evans and Hilton, at which time you saw the defendant go into 922 Florida Avenue; is that correct? A. Yes, sir.

Q. And from where you were you were able to determine that he had bulging pockets, is that correct, sir? A. When he went in, sir, to the best of my recollection he did not have bulging pockets because his car was parked pretty close to where we were, it was right across the street.

Q. Well, at any rate, sir, when he came out, then he had bulging pockets when he came out? A. Yes, sir, when he entered his car, yes sir.

Q. And thereafter you lost him? A. To the best of my recollection on that particular day I did lose him, sir.

* * * * *

109 Q. Now, with respect to August the 14th, would you tell the Court, sir, when you first saw the defendant Hall and where? A. I first saw the defendant Hall at approximately 12:35 p. m., entering a 1956 Chevrolet, GR-298, at Champlain and Kalorama Road, Northwest. I am sorry, sir, Champlain and Florida Avenue, Northwest.

* * * * *

Q. Would you tell us what you observed the defendant do on that day, sir? A. I observed him enter the automobile at 12:35 p. m., which was parked at Champlain and Florida Avenue, Northwest. Hall got into the car and drove to Champlain and Kalorama Road, Northwest, where he picked up Lawrence Parran.

Q. This was the first day, sir, August the 14th -- August the 14th was the first day that you had seen the defendant Parran? A. Yes, sir, that's correct.

110 Q. Now, on that day, sir, you say that Parran had with him a paper bag? A. Yes, sir, that's correct.

Q. You are not aware, or did you at that time have any personal knowledge with respect to the contents of this bag he was carrying? A. No, I did not, sir.

Q. Incidentally, sir, you did not hear any conversation that might have been had between the defendants Parran and Hall, did you? A. No, sir, I did not.

* * * * *

Q. Now, then, after Parran got into the automobile with Hall, sir, tell us if you will, what your observation was. What you saw and what was done. A. I observed Hall drive -- turn left at Kalorama to 18th Street and at that time I discontinued my observations on him.

* * * * *

111 Q. Did you see him later that day? A. Yes, sir, I did.

Q. Where? A. It was at approximately 1:10 p. m., when he double parked in the twenty-one hundred block of 10th Street, Northwest.

Q. And were you on that date, sir, on the hospital grounds as you had been on the previous dates? A. Yes, sir, that's correct.

Q. And in approximately the same position, sir? A. In approximately the same position, sir.

Q. And did he on that date double park his car? A. Yes, sir, he double parked on that day, sir.

Q. And did you on that date, as you had on August the 13th, did you use binoculars? A. Yes, sir.

Q. And the observations, sir, that you report in your affidavit, that was the observations that you made with the use of the binoculars? A. Yes, sir.

Q. As you had done on the previous dates? A. Yes, sir.

* * * * *

112 Q. Now, then, sir, at that time you say you observed this same man whom you had seen on the previous day approach the vehicle and handed the defendant Hall a brown paper bag? A. Yes, sir.

* * * * *

Q. * * * Do you know who this man was? A. No, sir.

Q. Which you saw? A. No, sir, I don't.

Q. Does he still remain unknown to you and the police department as far as you know? A. As far as I know, sir, yes, sir.

* * * * *

113 Q. Then tell us what you thereafter saw. A. I observed the man give Hall the brown paper bag through the windows.

Q. And then what occurred thereafter. A. Officer Hilton and myself had proceeded up to 1476 Newton Street ahead of Hall and observed him go into 1476 Newton Street, Northwest, basement.

* * * * *

115 Q. Now then, there came a time that you observed him leave the premises 1476 Newton? A. Yes, sir, there was.

Q. And at that time you say you saw him with bulging pockets?
A. Yes, sir.

Q. Then when he left there he got into his automobile? A. Yes, sir.

Q. And he pulled away. A. Yes, sir.

Q. And did you pull away then right behind him? A. Yes, sir, I did.

Q. And then he went from there and followed the route as you have previously indicated and went into the seven hundred block of Kenyon Street, Northwest. A. Yes, sir, that's correct.

Q. And he parked where in relation to 716, sir? A. To the best of my recollection, sir, on that particular date he parked in the front, in relation to 716 Kenyon Street, he parked right in front.

Q. And where, sir, did you park? A. I parked right behind him.

Q. Now, then, did there come a time, sir, that you observed him

leave 716? A. Yes, sir, I did. On that particular day, sir, to the best of my recollection I did not observe Hall leave 716 Kenyon Street, Northwest that day.

116 Q. Now, however, later you again saw him go to premises 922 Florida Avenue, Northwest? A. Yes, sir, that's correct.

Q. At which time you say he had no bulge in his clothes? A. That's correct, sir.

* * * * *

Q. When he left, you say, sir, that he had a bulge in his pocket? A. Yes, sir, a very noticeable bulge in his pockets, sir.

Q. Did you on that day, sir, notice -- when you say about a bulge in his pockets, you mean in his front pockets, his left front pocket, his right front? A. I do not remember exactly which pockets I was referring to on that particular day, sir.

117 Q. And after having left 922 Florida Avenue, and you then followed him to the seventeen hundred block of Willard Street, Northwest. A. Well, that particular day to the best of my recollection, sir, I lost him in traffic.

* * * * *

Q. Now then, sir, with respect to August 15, where did you first see the defendant, sir, and what time, and where were you? A. It was at approximately 1:08 p. m., sir, August the 15th, and it was in the twenty-one hundred block of 10th Street, Northwest, and I was on the hospital grounds as I was, in approximately the same place where I had been previously.

Q. Did you engage the use of binoculars on August the 15th?

118 A. Yes, sir. Yes, sir, I did.

Q. And the observations insofar as the use of the binoculars were concerned, was made by you? A. Yes, sir.

Q. And not by anyone else to your knowledge? A. To the best of my recollection.

Q. I mean as far as the binoculars are concerned. A. Yes, sir.

Q. Now, sir, you say that this tall man handed him through the window of the car a brown paper bag? A. Yes, sir.

Q. And thereafter the defendant went to 1476 Newton Street, did he? A. Yes, sir.

Q. Now, did you precede him to the fourteen hundred block of Newton Street as you had on the 14th? A. Yes, sir, I did.

Q. So that when he arrived at Newton Street you were there in the car and parked? A. That's correct.

Q. Was Officer Hilton with you at that time? A. Yes, sir, he was.

* * * * *

119 Q. And you then observed him go into the premises? A. Yes, I did.

Q. When you saw him go into the premises did he have bulging pockets? A. When I saw him go into premises 1476, to the best of my
120 recollection he did not have any bulge to his clothing, sir.

Q. When he came out, sir, did he have a bulge in his pockets?
A. Yes, sir, he did.

Q. And by that you mean both pockets, right front and left front?
A. Yes, sir.

Q. Now, thereafter, sir, you followed him as you had previously to 716 Kenyon? A. Yes, sir, I did.

Q. And on that date, sir, that is the 15th of August, where did he park? A. He parked in the rear of premises 716 Kenyon Street, Northwest, sir.

* * * * *

121 Q. Now, then, sir, there came a time that you say that you saw some women enter the premises? A. Yes, sir.

* * * * *

122 Q. At any rate, you say you saw these women. Did you know these ladies? A. Beg pardon, sir?

Q. These ladies you said you saw, did you know them? The women you saw, did you know them? A. No, I did not know them.

* * * * *

Q. Could you discern that their pocketbooks were bulging more than any ordinary woman's pocketbook would bulge? A. In my opinion it was, sir.

* * * * *

Q. You never saw into any of their pocketbooks, did you?

123 A. Never.

Q. Now then, sir, did you observe these women come out?

A. Yes, sir, I did.

Q. And when they came out of the premises it is your testimony, sir, that they no longer had a bulge in their pocketbooks? A. In my opinion, yes, sir.

Q. Now then, after having made that observation, sir, you then followed Hall to the nine hundred block of Florida Avenue. A. Yes, sir, that's correct.

* * * * *

124 Q. And you then proceeded to this position on Florida Avenue?

A. Yes, sir.

* * * * *

Q. Thereafter, after Hall came out of 922 Florida Avenue, sir, you then followed him to the seventeen hundred block of Willard Street, Northwest? A. Yes, sir.

125 Q. Now, were you immediately behind him on that occasion, sir?

A. No, sir, I don't believe so.

Q. Well, in respect to where -- where on Willard Street, sir, was it that you saw the defendant Hall go? A. All I saw the defendant Hall do, sir, was park in the seventeen hundred block of Willard Street, get out of his car and walk north on 18th Street. I did not see him go in any place on Willard Street. I just saw him park there.

Q. Now, when he did that, sir, where were you -- when you saw him park his car, get out, walk to 18th Street, turn north on 18th Street and proceed in a northerly direction, where were you? A. To the best of my recollection I believe I was parked on the corner. I had gone through the block, had parked on the corner of 18th and Vernon.

Q. Now, when you say you had gone through the block, do you mean by that that you had passed the defendant Hall's automobile as he had parked it or while he was in the course of parking it, and then had gone to 18th and Vernon? A. Yes, sir.

Q. Now, then, on that date, sir, you say that you saw the defendant Parran? A. Yes, sir.

Q. Where was it, sir, that you saw Parran? A. I observed
126 Parran coming down the street on the south side of 18th Street. I did not know where he came from. I had just observed him, and that was the car I saw the other day.

* * * * *

Q. And he at that time had a box, did he? A. Yes, sir.

Q. Did you see in the box? Do you know what was in the box?
A. No, sir.

Q. Now, what, thereafter, did you see him do? A. I saw him get to 1769 U Street, Northwest.

Q. Now, then, did you see him leave 1769 U Street, Northwest?
A. I did.

Q. That is the defendant Parran? A. Yes, sir.

127 Q. When he left 1769 U Street, did he have the box? A. Yes, sir, he did.

Q. And thereafter you observed Parran, who left 1769 together with the defendant Hall, go to the automobile, Hall's automobile, or the automobile he was driving, in the seventeen hundred block of Willard Street? A. Yes, sir.

Q. And you discontinued your observations at that point? A. That's correct, sir.

* * * * *

Q. Now then, calling your attention to August the 18th, where first did you see the defendant Hall, about what time was it, and where were you? A. It was at approximately 1:08 p. m., and he was in the twenty-one hundred block of 10th Street, double parking in the twenty-one hundred block of 10th Street, Northwest, and I was at the hospital grounds.

Q. Did you on that date, sir, as you had on the previous dates
 128 concerning which you have testified, make an observation from
 Garfield Hospital grounds with the aid and use of binoculars? A. Yes,
 sir.

* * * * *

Q. Now, on that date, sir, as you previously testified to on the
 15th, did you see this unidentified man approach the car in the same
 fashion as he had the day before, and hand to the defendant Hall a brown
 paper bag? A. Yes, sir.

Q. Now, did you, as you had done previously, did you precede the
 defendant Hall to the area of the fourteen hundred block of Newton Street,
 Northwest? A. That's correct, sir.

Q. And did he, as previously, pass your car and park in front
 where you were? A. To the best of my recollection, yes, sir.

Q. And did you then on that occasion, that is, August the 18th,
 1958, observe him enter the basement of 1476 Newton Street, Northwest,
 129 through the front? A. Yes, sir.

* * * * *

Q. Now, did there come a time, sir, that you saw him emerge
 from the premises 1476 Newton Street? A. Yes, sir, there was a
 time.

Q. Now, at that time, sir, did he have bulging pockets? A. He
 had a large bulge to his clothing, yes, sir.

Q. By that, sir, do you mean that his left front pants pocket and
 his right front pants pocket were bulging? A. Yes, sir.

Q. Did you observe any bulge to his hip pockets? A. No, sir.

Q. Or to the pockets of his jacket or shirt? A. No, sir.

Q. Now then, sir, after having made the observation of the defend-
 130 ant Hall come from the premises 1476 Newton, where then did he
 go or where did you follow him to? A. Went to 716 Kenyon Street,
 Northwest, sir.

* * * * *

133

CROSS-EXAMINATION -- Resumed

MR. MITCHELL: The next date, Your Honor, I believe is the 23rd.

THE COURT: I don't believe you had finished your examination with reference to August 18. In answer to your last question, Mr. Mitchell, the witness had said that he was near Georgia Avenue facing west on Kenyon.

BY MR. MITCHELL:

Q. Now then, sir, where did you proceed from there? A. I proceeded to 9th and V Street, Northwest, sir.

Q. And what route did you take to get there? A. I went west on Kenyon Street and south on Sherman Avenue which in turn, Sherman Avenue runs into 9th Street, I believe at about Florida Avenue.

Q. Now, were you at that time following the defendant Hall?

A. Part of the time, sir.

134 Q. You actually saw his vehicle while you were in it, then?

A. No, sir. Well, I saw it part of the time, sir.

Q. What part of the time did you see it, sir? A. I saw him from the time that he reached Irving Street and Sherman Avenue, and I was at Kenyon and Sherman Avenue, but I did not see him between Georgia Avenue and Irving -- Sherman and Irving.

Q. So on this date he did not take the route down Georgia Avenue; is that your testimony? A. Yes, sir, that's correct.

Q. He took the route down Sherman Avenue? A. Yes, sir, that's right.

Q. Now then, did you again then, sir, as you had previously, parked your car at 9th near V adjacent to the dance hall and observe him going to premises 922 Florida Avenue? A. Yes, sir, that's correct.

Q. And did you observe him come from those premises? A. I did, sir.

Q. I believe I had asked you, sir, whether you had seen him -- did you see him come from those premises, 922 Florida Avenue? A. Yes, sir, that's correct.

Q. And at that time he had a bulge in his clothing? A. Yes, sir.

135 Q. And do you mean by that that his left front pocket and his right front pocket were bulging? A. To the best of my recollection, yes, sir.

Q. Was there any bulge in his hip pocket? A. I did not notice, sir.

Q. Or any bulge to the coat pocket or to the shirt pocket? A. To the best of my recollection, no, sir.

* * * * *

Q. Did you see the defendant Parran on that date? A. I did, sir.

Q. And what, if anything, did you see Parran do? A. At approximately 2:25 p. m., on that date, I observed Hall and Parran both come back to the car and Parran was carrying a large brown paper bag.

* * * * *

136 Q. You did not see the contents of the bag? A. No, sir.

Q. And thereafter did you observe Parran to ride in the automobile with Hall? A. Yes, sir, I did.

Q. And did you trail them to any place? A. Yes, sir, I did.

Q. And where? A. I followed them to 1110-A 6th Street, Northeast, Washington, D. C.

* * * * *

137 Q. What, if anything, did you observe Parran do? A. I observed Parran to remain in the car.

Q. As a matter of fact, sir, up to this date you had never observed Parran do anything other than ride in the automobile, had you? A. Ride and carry this, yes, sir.

Q. On that date, sir, you say he came from premises 1110-A 6th Street, Northeast, with bulging pockets? A. Yes, sir.

Q. And he came out with bulging pockets? A. Yes, sir.

* * * * *

138 Q. Now then, sir, recalling your attention to the date of August the 19th, you observed the defendant Hall on that date, sir? A. Yes, sir, that's correct, sir.

* * * * *

Q. Now, what did you see the defendant Hall do on that day?

139 A. I observed him driving to the twenty-one hundred block of 10th Street, Northwest, and the same unidentified colored male contacted him and passed him a brown paper bag.

Q. Now, at the time, sir, that you made that observation were you in the same general position that you were on previous occasions, and were you engaged in the use of binoculars? A. Yes, sir, that's right.

* * * * *

Q. Now did you say, then, as on previous days, that you then preceded the defendant Hall to the fourteen hundred block of Newton Street, Northwest?

* * * * *

A. I had preceded him to 1476 Newton Street, Northwest, but I did not make an observation, sir, of him entering the premises. I was just in the area at the time.

* * * * *

141 Q. There came a time then, sir, when Hall emerged from the premises 1476 Newton, Northwest, and proceeded to his automobile? Did he do that? A. Yes, sir.

* * * * *

Q. Did there come a time then, sir, that you saw him go to premises 715 Kenyon Street, Northwest? A. I saw him go to 716 Kenyon Street, Northwest.

Q. So to the extent, sir, that your affidavit to which you swore says that he went on this particular day, on August the 19th, that he went to premises 715 Kenyon Street, Northwest, that is not true, is it?

142 A. No, sir.

Q. Where were you, sir, at the time that you observed him go into premises 716 Kenyon Street, Northwest? A. To the best of my recollection, sir, I was in the seven hundred block of Kenyon Street, a few doors from 716 Kenyon Street.

* * * * *

143 Q. And on this date did you say, sir, that you -- is it your present recollection that you observed him going in 716 Kenyon Street, Northwest?

A. Yes, sir, I did.

Q. And is it your testimony, sir, that some of those people were females who had noticeably bulging pocketbooks? A. Yes, sir.

Q. And did you also observe that those people came out of the premises, and when they came out of the premises, the females, their pocketbooks no longer bulged. A. Yes, sir.

Q. Now, did you also, on that date, sir, observe that there was some males who entered those premises? A. Yes, sir.

144 Q. And that prior to their entering the premises that you observed that their pockets were bulging? A. Yes, sir.

Q. And that thereafter when you observed them come from the premises their pockets no longer bulged? A. Yes, sir.

Q. Now, did you see Hall go into those premises? A. Yes, sir, I did.

Q. Now, when he went into those premises, sir, did he go in with bulging pockets? A. Yes, sir.

Q. And when he came out did he come out with bulging pockets? A. Yes, sir.

Q. Now, when he came out, sir, did you then again follow him to the vicinity of 922 Florida Avenue, Northwest? A. I did, sir.

Q. And did you observe that he went into those premises 922 Florida Avenue, Northwest, without a bulge in his pocket? A. That's correct, sir.

Q. And then when he emerged from those premises he had a noticeable bulge in his pockets? A. Yes, sir.

145 Q. Now then, sir, did you see the defendant Parran on that date?

A. I would like to refresh my memory. My memory is exhausted, sir.

Q. Very well, sir. A. Yes, sir, I did see the defendant Parran on that date, sir.

Q. Now, tell us, if you will, sir, where you saw the defendant

Parran, what, if anything, you saw him do. A. I saw him at approximately 2:45 p. m. He was sitting in the car as Hall was entering premises 1110-A 6th Street, Northeast.

Q. And you didn't see him with any bag on that day? A. No.

Q. Nothing at all? A. No, sir.

Q. All you saw was him seated in the automobile? A. That's correct, sir.

* * * * *

146 Q. Now, just to recapitulate a bit up to this point, if I may, on August the 8th, Officer Poyner, did either you or any of your companion officers to your knowledge on any of the occasions that Hall was out of his automobile, did you go and search the car? A. No, sir.

Q. Did you go and look into the car to see what you could see?

147 A. No, sir.

Q. Now, that was with respect to the 8th. On the 12th, did you do that or did any of the other officers to your knowledge do that on the 12th? A. No, sir.

Q. On the 13th? A. No, sir.

Q. On the 14th? A. No, sir.

Q. On the 15th? A. No, sir.

Q. On the 18th? A. No, sir.

Q. And on the 19th? A. No, sir.

Q. So to your knowledge, up to the 19th of August, 1958, neither you nor any of your companion officers had had occasion to search or to rummage in the automobile which was being operated by the defendant Hall? A. Not to my knowledge, no, sir.

* * * * *

211 THE COURT: You may check your notes and recall the witness later if it becomes necessary.

Mr. Witness, your affidavit, the affidavit which you made jointly with Officers Hilton and Evans, also says that a complaint was received on June 22, 1954, that stated that numbers were being written in the

United States Coast Guard Building and that the numbers were being turned in to Moses M. Wilson, the guard at the rear of the U. S. Coast Guard Building. Is that date correct?

THE WITNESS: That date is incorrect, Your Honor.

THE COURT: What is the correct date?

THE WITNESS: That would be June -- you said the 22nd -- 1958.

THE COURT: 1958. Very well. Any further questions, Mr. Flannery?

MR. FLANNERY: No, Your Honor.

THE COURT: Very well. Mr. Mitchell?

BY MR. MITCHELL:

Q. Did you see the complaint? A. Yes, sir, I saw the complaint.

Q. And was it typed or handwritten? A. It was -- I do not recall at this time. It was given to me by Inspector Layton of the Gambling Squad.

212 Q. The complaint itself? A. Yes, sir, the written complaint itself.

Q. Was it post marked? A. No, sir. Well, all he gave me was the paper, and he assigned me to it. That is the way the officers get their assignments.

Q. Was this complaint that you saw signed? A. Signed by who, sir?

Q. By anyone? Was any name signed on it? A. No, sir. He just gave me the paper and told me to check this complaint.

Q. The paper that he gave you, was that a paper that had been written in to the Police Department by someone, or was that merely his statement to you to investigate? A. That was his statement to me to investigate. He keeps the original complaint.

Q. So you have, never saw the original complaint, did you?
A. No, sir.

Q. So you don't know what date it was, do you? A. No, sir.
I know the date when he gave it to me.

Q. You know when Officer Layton told you to make an investigation?

A. Yes, sir.

Q. But the date of the complaint is unknown to you, isn't it?

213 A. Yes, sir.

* * * * *

GLEN A. HILTON

was called as a witness by the government and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FLANNERY:

Q. Officer Hilton, I will call your attention to September the 18th, 1958 --

THE COURT: Will you identify the witness on the record by his full name?

MR. FLANNERY: Yes.. I am sorry, Your Honor.

214 BY MR. FLANNERY:

Q. Please state your full name. A. Private Glen A. Hilton, assigned to the Morals Division, Metropolitan Police, Washington, D. C.

Q. Were you so assigned on September the 18th, 1958? A. Yes, sir, I was.

Q. And on September the 18th, 1958, did you assist in the investigation of this case? A. Yes, I did.

Q. Now, on that date, around 2:15 p. m., did you go somewhere in the District of Columbia in connection with this case? A. Yes, I did.

Q. With whom did you go? A. With Detective Ward Foulkes and William J. Poyner of the Morals Division, sir.

Q. Where did you go in the District of Columbia at that time?
A. The seventeen hundred block of Willard Street, Northwest.

Q. In the District of Columbia? A. Washington, D.C.

Q. When you arrived in that area please tell His Honor what you did; what you saw and what you did. A. Your Honor, approximately 2:25 p. m., on September the 18th, 1958, I observed a 1956 black Chevrolet parked on the south side of Willard Street, Northwest. At that time I observed Hall and Parran approaching the car.

Q. Now, by Hall and Parran, do you mean the two defendants seated here at the counsel table? A. Yes, I do.

Q. All right. A. Parran got into the car and Hall walked around to the driver's side and was about to open the door. At that time I identified myself to both Hall and Parran and told them that I was a police officer and that a warrant was in the possession of Detective Foulkes for their arrest for violation of the lottery laws. At that time Detective Foulkes and Poyner came upon the scene. At that time I took a quantity of numbers paraphernalias from the right hip pocket of Hall.

Q. Now, just stop there for a moment, please.

MR. FLANNERY: Your Honor, may the property envelope be known, and its contents, be known as Government's Exhibit No. 1 for identification?

THE COURT: They will be so marked.

[Property envelope and contents were marked Government's Exhibit No. 1 for identification.]

[Exhibit was shown to defense counsel.]

216 BY MR. FLANNERY:

Q. Now, Mr. Witness, I will show you this property envelope, and its contents, known for the record as Government's Exhibit 1 for identification.

Calling your attention to the contents of the envelope which are pieces of white paper with numbers on it, and also some cards, pink, orange, and blue, and a yellow card, I will ask you with respect to the contents of this envelope will you look at them and tell His Honor whether you can identify them? A. Yes, sir, I can identify these by the initials

of myself and Detective Ward Foulkes, upon taking these from the defendant Hall.

Q. And you took those from what part of his clothing? A. This particular paraphernalia here was in his wallet.

Q. In his wallet? A. Yes. I took it from his wallet.

Q. Now, after you took that evidence, as you have described, from the wallet of Hall, what, if anything, else did you do? A. There were also some money and other numbers slips in his right hip pocket that I had taken from the defendant Hall.

MR. FLANNERY: Mark this and its contents No. 2, please.

217

[Brown envelopes and contents were marked Government's Exhibit No. 2 for identification.]

[Exhibit was shown to defense counsel.]

BY MR. FLANNERY:

Q. Now, I show you a brown envelope and contents, known as Government's 2 for identification, and call your attention to the contents of that exhibit, which consists of three brown envelopes which in turn appear to contain pieces of paper.

Now, directing your attention to these three small brown envelopes and to their contents, I will ask you, sir, at this time to look at the envelopes, the small envelopes and their contents and tell His Honor whether you can identify them. A. Yes, these are the envelopes that I took from the right hip pocket of Norman Hall during the execution of the arrest warrant in the seventeen hundred block of Willard Street, Northwest.

Q. And with respect to the contents of those envelopes, those are the contents, are they, that were in the envelopes when you recovered them from Hall as you have described? A. Yes, sir. These are the ones.

Q. Now, with respect to that evidence, after you recovered it from
218 Hall as you have testified, did you turn it over to another officer?

A. Yes, I immediately turned them over to Detective Foulkes, Ward Foulkes of the Gambling and Liquor Squad.

MR. FLANNERY: That's all of this witness, Your Honor.

THE COURT: Mr. Mitchell.

CROSS-EXAMINATION

BY MR. MITCHELL:

* * * * *

219 Q. Did you also have in your possession at that time a warrant for the arrest of Parran? A. Yes, sir. I didn't have it in my possession.

Q. Did you have knowledge that there was an arrest warrant for Parran? A. Yes, I did, sir.

Q. And did you have any knowledge as to what that arrest warrant was for? A. Yes, sir.

220 Q. What was the arrest warrant, as far as you knew, sir, for Parran -- what did the arrest warrant say he had done?

MR. FLANNERY: Your Honor, I would object. I believe that is beyond the scope of my direct examination.

THE COURT: The witness said that he was a police officer and that Officer Foulkes had warrants for their arrest. I think the question is a proper one. Read the question to the witness, Mr. Reporter.

[The pending question was read by the reporter.]

THE WITNESS: Well, upon making observations we had observed Parran --

THE COURT: No, what did the warrant say he had done?

THE WITNESS: Operating a lottery. I am not -- yes, operating a lottery.

BY MR. MITCHELL:

Q. Did it say when? A. From the dates of August the -- I have to refer to my original notes, Your Honor, to get the exact dates.

MR. MITCHELL: May he be permitted to do so, Your Honor?

THE COURT: He may.

MR. FLANNERY: I might suggest, Your Honor, that the warrant itself might be the best evidence as far as what it said.

221 THE COURT: I think the question is addressed to the witness' recollection. I think the question is proper, Mr. Flannery.

THE WITNESS: From August the 14th to September the 18th.

BY MR. MITCHELL:

Q. That he had operated a lottery during that period? A. Sir?

Q. That he had operated a lottery during that period? A. That he was observed from that period.

MR. MITCHELL: Well, His Honor asked you, which was in furtherance of my question, what did the arrest warrant charge or saw that Parran had done.

THE COURT: The witness said operating a lottery. That was his answer.

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223

Washington, D. C.
Wednesday, May 20, 1959

* * * * *

225

GLEN A. HILTON

was recalled as a witness by the government and, having been previously duly sworn was examined and testified as follows:

FURTHER DIRECT EXAMINATION

BY MR. FLANNERY:

Q. Officer Hilton, you have been previously sworn. I direct your attention to the day of the arrest again, and ask you if at the time you approached the car, as you have previously testified, you saw the defendant Parran do anything. A. Yes, I did.

Q. What did you see him do? A. I observed Parran throw a brown envelope on the car seat.

Q. And with respect to that brown envelope did there come a time when you pointed that out to Detective Foulkes? A. Yes. Officer Foulkes came up and asked me where did the envelope come from --

MR. MITCHELL: I object to this, if Your Honor please. That is most leading. As a matter of fact, Mr. Flannery is testifying.

THE COURT: Restate your question.

MR. FLANNERY: Yes, Your Honor.

226

BY MR. FLANNERY:

Q. Did you point that envelope out to Detective Foulkes? A. Yes, I did.

Q. And did he recover it? A. Yes.

MR. MITCHELL: Your Honor, I am not going to be fractious about it but I suggest that is not the way to ask the question, "Did he point it out." The witness never testified to that. He has told him what to testify to.

MR. FLANNERY: I will rephrase it, Your Honor.

BY MR. FLANNERY:

Q. Did Detective Foulkes recover that envelope? A. Yes.

* * * * *

227

WARD FOULKES

was called as a witness by the government and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FLANNERY:

Q. Please state your name. A. Detective Ward C. Foulkes, assigned to the Gambling and Liquor Squad, Metropolitan Police Department, Washington, D. C.

Q. You are a member of the Metropolitan Police Force attached to the Gambling Squad, on September 18, 1958? A. Yes, sir, I was.

Q. On that date at around 2:15 p. m., where were you? A. In the vicinity of 17th and Willard Streets, Northwest.

228 Q. In the District of Columbia? A. Yes, sir.

Q. Did you go there in connection with your investigation of this case? A. I did, sir.

Q. Were there other officers with you? A. Yes, sir.

Q. Who was with you? A. Privates Hilton and Poyner.

Q. Please relate to the Court what, if anything, you did when you arrived in that area at that time. A. I instructed -- we arrived there --

Q. Now, let me suggest this to you: Don't relate any conversations you had with anyone, but what you did, sir. A. All right, sir.

We arrived around 2:15 p. m., on Thursday, September 18, 1958. Private Hilton walked into the seventeen hundred block of Willard Street. Private Poyner and I followed a short distance. In the middle of the block on the south side of the street we observed Private Hilton in a '56 Chevrolet, black in color, GR-298, and we had a search warrant for the car.

I got off the automobile and identified myself to the two defendants in the car -- two subjects in the car -- and stated we had a search warrant for the automobile.

229

Q. Who were the two subjects in the car? A. Norman Hall and Lawrence Parran.

Q. And they are the two male defendants seated at counsel table?

A. Mr. Hall is seated next to Mr. Mitchell and Mr. Parran is at the end of the table.

Q. Now then, after you identified yourself as a policeman and told them that you had a warrant, what did you next do in regard to those two defendants? A. Made a search of Mr. Parran and a search of the car.

Q. As far as Mr. Parran is concerned, what, if anything, did you recover as a result of your search? A. I seized from his wallet, from his wallet a small white pad containing numbers bets.

MR. MITCHELL: Objection to the conclusion, Your Honor.

THE COURT: I will sustain the objection.

BY MR. FLANNERY:

Q. How long have you been on the Gambling Squad, Detective Foulkes? A. On and off since 1955.

Q. During that period of time have you had occasion to become familiar with the operation of the so-called numbers game? A. Yes, 230 sir.

Q. Do you know or can you recognize a numbers slip when you see it? A. Yes, sir.

Q. Have you seen many or few of them during your experience? A. A great many.

Q. Sir? A. A great many.

Q. I will ask you again, what was on the pad that you saw and which you recovered from Parran? A. In my opinion it was numbers bets.

THE COURT: I submit he is qualified to answer that question, Your Honor, in view of his experience.

Very well.

MR. FLANNERY: Mark it please.

[White pad was marked
Government's Exhibit
No. 3 for identification.]

THE COURT: Have you seen this exhibit, Mr. Mitchell?

MR. MITCHELL: No, Your Honor.

[Exhibit was shown to defense counsel.]

BY MR. FLANNERY:

Q. Detective Foulkes, I will show you this white pad with numbers
231 written on it, known for the record as Government's Exhibit No. 3
for identification. Can you identify that? A. Yes, sir, by my initials
and time and the date and where it came from.

Q. Very well, and is that the evidence about which you have just
testified that you recovered from the defendant Parran? A. It is, sir.

MR. FLANNERY: Your Honor, at this time I wish to offer Govern-
ment's Exhibit 3 for identification into evidence.

MR. MITCHELL: I object to it on the grounds previously stated
to Your Honor.

THE COURT: Those grounds being, Mr. Mitchell, that --

MR. MITCHELL: That the arrest, the search and the seizure
from the defendant Parran was in violation of the constitutional rights
and that therefore subject to quash and/or suppression by this Court.

If we may, out of the presence of this witness, I would make a
proffer at this time in respect to that.

THE COURT: Very well.

I will ask the witness to leave the courtroom.

[Witness retired from the courtroom.]

232 THE COURT: Go ahead, Mr. Mitchell.

* * * * *

239 THE COURT: Mr. Flannery.

MR. FLANNERY: Your Honor, the Duryee case doesn't apply
here at all. As I recall the facts in that case, and I haven't read it
for some time, but I think I can recall most of the facts, there was
probable cause to arrest one individual in this automobile for posses-
sion of illegal ration coupons.

When the police or the agents arrested that individual they also
arrested another individual who just happened to be seated in the car,
a man whom they had never seen before.

Obviously there was no probable cause to arrest the second man. And obviously that cause has no bearing on the case at bar.

In this case Parran was seen on a number of days, as is related in the affidavit. He was seen with a brown paper bag about the same time on each one of those days, and it is fair to infer from the evidence that he was going around a regular numbers route on certain of those
240 days with the defendant Norman Hall.

Furthermore, in this case there was an arrest warrant issued for Parran by the United States Commissioner.

THE COURT: There is no evidence of that before the Court at the present time, Mr. Flannery.

MR. FLANNERY: Yes, that is quite correct. The officer did not state that, Your Honor, but I can complete the record in that regard.

THE COURT: The only matter before the Court at this time is your tender of Government's Exhibit No. 3 in evidence. Mr. Mitchell has objected on the ground that there was a search warrant for the automobile, that upon the record no arrest warrant or other warrant at this time for the defendant Parran. That is the only matter pending the Court's decision at this point.

MR. FLANNERY: Yes.

May I have the Court's permission to call that witness and establish through him that there was in fact an arrest warrant that he had in his possession?

THE COURT: You may.

[The witness returned to the courtroom and took his seat in the witness chair.]

BY MR. FLANNERY:

Q. Detective Foulkes, did you have in your possession on September 18, 1958, certain arrest warrants and a search warrant?
241

A. Yes, sir, two arrest warrants and one search warrant.

Q. For whom were the arrest warrants? A. To my best recollection, sir, they were for John Doe. I don't remember.

Q. And who was John Doe? A. They were identified to me by Private Hilton and Poyner as these defendants Hall and Parran at the time of the arrest.

Q. You had John Doe arrest warrants for the arrest of Norman Hall and the defendant Parran? A. Yes, sir.

MR. MITCHELL: Your Honor, I object to this. Mr. Flannery has testified -- this man says he had in his possession, Officer Foulkes says he had in his possession some John Doe warrants. That is all he said at this point.

Now, Mr. Flannery has supplied to him that these warrants, John Doe warrants, were one for Parran and the other for Hall. I respectfully submit, if Your Honor please, that that is improper.

THE COURT: You may ask further questions, Mr. Flannery.

MR. FLANNERY: Thank you, Your Honor.

242

BY MR. FLANNERY:

Q. Did you execute those arrest warrants? A. I executed the search warrant, sir. I think the arrest warrants were executed by Private Hilton. I don't remember.

Q. By Private Hilton? A. Yes, sir. I don't recall.

MR. FLANNERY: Mr. Clerk, aren't those arrest warrants downstairs? Can't you get them up here?

MR. MITCHELL: If Your Honor please, while the clerk is attempting to locate those papers if there be such, may I be permitted to ask him a couple of questions?

THE COURT: If Mr. Flannery has completed his examination.

MR. FLANNERY: I can't complete it, Your Honor, until I get this warrant but I have no objection if counsel wants to ask questions of the witness.

THE COURT: Very well, Mr. Mitchell.

CROSS-EXAMINATION

BY MR. MITCHELL:

Q. Mr. Foulkes, you were interested, were you not, and you previously testified that when you went there you told the defendants

that you had a search warrant for the car. That is what you told them, didn't you? A. Yes, sir.

243 Q. And that was actually what you had; isn't that correct? A. I had two arrest warrants in my possession also.

Q. But you made no mention to them about any arrest warrants, did you? A. They had already been arrested at that point.

THE COURT: They what?

THE WITNESS: They had already been placed under arrest.

BY MR. MITCHELL:

Q. Did you tell Parran, regardless of whether they had been placed under arrest or not -- did you tell Parran and Hall that you had an arrest warrant for them? A. I don't recall, Mr. Mitchell.

MR. FLANNERY: May I call Officer Hilton, Your Honor?

THE COURT: Do you have any further questions of this witness at this time?

MR. MITCHELL: No, sir.

THE COURT: Very well.

MR. FLANNERY: Please call Officer Hilton.

[Witness left the stand.]

THE COURT: We may save time here -- just a minute, Mr.

Marshal.

244 Whereupon

GLEN A. HILTON

was recalled as a witness by the government and, having been previously duly sworn, was examined and testified further as follows:

FURTHER DIRECT EXAMINATION

BY MR. FLANNERY:

Q. Officer Hilton, did there come a time when you appeared before the U.S. Commissioner to apply for certain warrants in this case?

A. Yes.

Q. And do you recall what date that was? A. September the 18th.

Q. Now, for whom did you -- are you sure of that date? A. No.

Q. You are not sure of the date? A. No, I am not sure.

Q. Well, can you approximate what date it was, bearing in mind the date of the arrest was September 18th?

MR. MITCHELL: I object, if Your Honor please, and I respectfully submit that if there was any such instrument, or any such process or writ issued, that that is the best evidence in this case with respect to its competency.

THE COURT: We are attempting to get those warrants if they exist, Mr. Mitchell. In the meanwhile the witness can testify to the
245 best of his recollection.

BY MR. FLANNERY:

Q. Now, to the best of your recollection when did you apply for those warrants? A. It was the 16th or the 17th, sir.

Q. Of September, 1958? A. Of September 1958.

Q. Now, will you describe the type of warrants which you applied for which you subsequently received? A. We applied for United States Commissioner's search and arrest warrants for operating a lottery.

Q. Yes. Now, search warrants for what? A. For a 1956 Chevrolet with tags GR-298, premises 716 Kenyon Street, Northwest, 423 18th Street, Northeast, Apartment 9, and --

Q. And arrest warrants for --

MR. MITCHELL: Object. Let him finish his answer.

THE WITNESS: And they are the only search warrants that I remember.

MR. FLANNERY: Very well.

BY MR. FLANNERY:

Q. Did you apply for certain arrest warrants? A. Yes.

Q. And for whom were they? A. For Norman Hall and Parran.

245a Q. For Parran? A. And Moses Wilson.

Q. On September the 18th, 1958, did you execute any of those arrest warrants? A. Yes.

Q. Now, which arrest warrants did you execute? A. For Norman Hall and Parran.

Q. Parran? A. Yes, sir.

Q. And I believe you testified yesterday that you arrived on the scene first and arrested them? A. That is right, sir.

Q. And it is your testimony that you executed those arrest warrants for Parran and Hall?

MR. MITCHELL: Object to that, Your Honor. Yesterday when he testified he never said that.

THE COURT: Your objection to the form of the question is sustained.

MR. FLANNERY: Very well.

BY MR. FLANNERY:

Q. Did you execute the warrant for Parran specifically?

A. Officer Foulkes executed the warrants.

Q. But you say there was a warrant in existence and he was arrested pursuant to that warrant? A. I had knowledge of those warrants
246 and as soon as I placed him under arrest, Officer Foulkes came up with Officer Poyner. It wasn't 60 seconds or 30 seconds.

MR. FLANNERY: Very well. I believe that concludes my questions at this time, Your Honor.

CROSS-EXAMINATION

BY MR. MITCHELL:

Q. When Officer Foulkes came up what did he say? A. He identified himself and he stated that he had warrants for their arrest.

Q. You couldn't be mistaken about that, could you? Or did he say that he had a search warrant for the automobile? A. No, he said he had warrants for their arrest.

THE COURT: Any other questions, Mr. Mitchell?

MR. MITCHELL: No, sir.

MR. FLANNERY: I have none at this time, Your Honor.

MR. MITCHELL: On, yes, Your Honor, if I may.

Your Honor, Mr. Flannery brought out that this man swore to two warrants. Now, at this time I beg leave of Your Honor for permission to inquire of this witness with respect to what it was he swore to and

the contents thereof.

247 THE COURT: I think that is beyond the scope of the examination, Mr. Mitchell. I will defer this until you offer your substantive case, if that is necessary.

Step down.

[Witness left the stand.]

MR. FLANNERY: Your Honor, I resubmit at this time that it has been amply demonstrated that the defendant Parran was arrested pursuant to an arrest warrant, and the arrest warrant based on probable cause was legally and validly issued by the Commissioner and that therefore this exhibit, Government's Exhibit 3, is admissible and should be admitted.

THE COURT: I would like to see the warrants. The clerk has sent to the Commissioner's Office for them.

I will defer passing on this matter until we see these arrest warrants.

MR. FLANNERY: Shall we wait, Your Honor, until they arrive?

THE COURT: You may call your next witness.

MR. FLANNERY: All right. Call Detective Foulkes again and I will ask him some more questions.

248 Whereupon

WARD FOULKES

was recalled as a witness by the government and, having been previously duly sworn, was examined and testified further as follows:

DIRECT EXAMINATION -- Resumed

BY MR. FLANNERY:

Q. Now, Detective Foulkes, calling your attention again to the time of the arrest of two of these defendants, did there come a time when you saw a small brown envelope in the seat of the car? A. Yes, sir.

MR. MITCHELL: I object, Your Honor. He is telling the witness what to testify to.

THE COURT: You are leading the witness, Mr. Flannery.

MR. FLANNERY: Very well, Your Honor.

BY MR. FLANNERY:

Q. Detective Foulkes, did you seize anything else at that time?

A. Yes, sir, I seized a brown paper bag from the glove compartment of the car, one from over the top of the sun visor on the left of the car, and a small brown envelope from the seat of the car.

Q. Now, with respect to the small brown envelope on the seat
249 of the car, did you take that into your possession? A. I did,
sir.

Q. And did you look at the contents of it? A. Yes, sir.

Q. Now, do you know whose that was?

MR. MITCHELL: I will object to that, Your Honor. I am going to -- whatever it is that he says is missing, I assure Your Honor that I will bring it here to this Court. I will bring everything that I received to this Court, but I object to Mr. Flannery asking him whether he can say whose it was.

THE COURT: I will sustain the objection to the form of the question.

BY MR. FLANNERY:

Q. Do you know how that envelope reached the seat of the automobile, of your own personal knowledge? A. Detective Hilton --

Q. Well, no, did you see that? A. No, sir.

Q. You merely recovered it? A. Yes, sir.

Q. All right. Now, did you look into that particular envelope?
A. Yes, sir.

250 Q. And what did you see in that particular envelope. A. There was a quantity of money, sir, \$9.50, and a few numbers slips.

MR. FLANNERY: Mark this envelope.

[Envelope was marked
Government's Exhibit
No. 4 for identification]

MR. FLANNERY: And this.

[Large envelope was
marked Government's
Exhibit 4-A for identifi-
cation.]

[Exhibits were shown to defense counsel.]

BY MR. FLANNERY:

Q. Detective Foulkes, I will show you this property envelope, known as Government's Exhibit 4-A for identification. Can you identify that? A. Yes, this is my writing on here. It describes the property and where it was seized from.

THE COURT: I can't hear you.

THE WITNESS: It describes the property, sir, on the envelope, and where it was seized from and the date and the time, and my name.

BY MR. FLANNERY:

Q. Now, I will show you the contents of that particular envelope, and the contents is a small brown envelope containing some papers, known for the record as Government's Exhibit 4 for identification.

Can you identify Government's Exhibit 4, the brown envelope and
251 its contents? A. I seized this from over the top of the sun visor about 2:30 p. m., on September the 18th, 1958.

Q. That is the evidence about which you have just testified that you seized over the sun visor of the car, which was occupied by Parran and Hall? A. It is, sir.

MR. FLANNERY: Mark these two envelopes, please.

[Bag and envelope were
marked Government's
Exhibits Nos. 5 and 5-A
for identification.]

[Exhibits were shown to defense counsel.]

BY MR. FLANNERY:

Q. Detective Foulkes, I will hand you now a property envelope which has been marked for identification as Government's Exhibit 5-A. Can you identify that? A. I do, sir, by my writing, and name, the date.

Q. I will now hand you Government's Exhibit 5 for identification, a brown paper bag containing papers. Can you identify that bag and its contents? A. I do, sir. It has my initials, the time, the date, and was seized from the glove compartment of a 1956 Chevrolet, D.C. GR-298.

Q. Is that the evidence about which you just testified that you recovered from the glove compartment of the car occupied by Norman Hall and Parran on September the 18th, 1958? A. Yes, sir.

252 MR. FLANNERY: Mark this, please.

[Large envelope was marked Government's Exhibit No. 6 for identification.]

BY MR. FLANNERY:

Q. Now, Detective Foulkes, I will hand you a property envelope which has been previously marked as Government's Exhibit 2 for identification, and ask you first can you identify that? A. Yes, sir. By my name, the date, and the defendant.

Q. Now, I will hand you the contents of Government's Exhibit 2 -- I will rephrase that question for the record.

Handing you Government's Exhibit 2, which is the property envelope and the contents which at the present time are also known as part of Government's Exhibit 2, can you identify that property envelope and the contents which consist of three brown envelopes? A. Yes, sir. This came from the right hip pocket of the defendant Hall. It was taken by Private Hilton and given to me at the time, and I initialed it and marked it and placed it in the property envelope.

MR. MITCHELL: If Your Honor please, may I ask at this time or inquire of Mr. Flannery, if his problem is one of continuity? If it is one of continuity, I won't contest continuity in the matter of possession.

253

THE COURT: That is as to Government's Exhibit No. 2?

MR. MITCHELL: As to any of them, if they will just let me know. They are always handed over to him, and if they kept it and turned it over

to the property clerk, I am not going to raise any issue about the continuity of it.

THE COURT: Very well.

MR. FLANNERY: Since that is so, Your Honor, I will offer into evidence at this time Government's Exhibit 2 for identification, consisting of this envelope and its contents, Government's Exhibit 1 for identification, which was marked yesterday and was evidence allegedly seized from the wallet of Norman Hall, Government's Exhibits 5 and 5-A for identification, which has been identified as a brown paper bag containing slips taken from the glove compartment of the '56 Chevrolet occupied by Norman Hall, and also Government's Exhibits 4 and 4-A, which consists of a property envelope and evidence allegedly seized from over the sun visor of that same automobile.

I offer those various exhibits, Your Honor, at this time.

MR. MITCHELL: If it please the Court, I would at this time suggest that the Court's ruling in respect of the admissibility of these
254 things be held in abeyance so that the whole proposition may be treated more or less in a nut shell fashion, and I think that at the conclusion, because inasmuch as I am attacking the legality of the entire procedure, I would prefer and I do suggest that perhaps it would be most convenient for us to do so.

THE COURT: I will defer ruling on this tender, Mr. Flannery, until all of the evidence to be offered and all of the argument is before the Court.

In the meanwhile our efficient clerk has obtained from the office of the United States Commissioner several documents relating to proceedings before the Commissioner.

There is what purports to be a warrant of arrest for the defendant Parran along with other documents.

I will make this material available to both counsel for their examination at this time. [Handing documents to counsel.]

* * * * *

WARD C. FOULKES

the witness on the stand at the time of the luncheon recess, resumed the stand, and having been previously duly sworn, was examined and testified further as follows:

FURTHER DIRECT EXAMINATION

BY MR. FLANNERY:

Q. State your name for the new reporter, please. A. Ward C. Foulkes, F-o-u-l-k-e-s.

Q. Now, Detective Foulkes, at this time I wish to show you a brown paper bag and the contents which for the record is known as
256 Government Exhibit 6 for identification.

Will you look at the bag and the contents and tell the Court whether you can identify them. A. Yes, sir, I seized this from the trunk of the 1956 Chevrolet bearing D. C. tags GR-298.

Q. Now, for the record look at the contents of the bag, consisting of a number of books containing yellow pads, is that correct, sir?
A. Yes, sir. Regulation number books.

MR. MITCHELL: Objection to that designation, if Your Honor please.

THE COURT: The designation is used so frequently for this type of pad, I will accept it as descriptive data, but not for evidentiary purposes, Mr. Mitchell.

BY MR. FLANNERY:

Q. Now, in addition to the books you have described, what else does this bag contain? A. Number of three by five white pads, coin envelopes.

Q. What are these green -- A. Coin wrappers, sir.

Q. Coin wrappers. How do you identify the contents of this bag? Do you have your initials on it? A. Initials on each package, sir, WCF, and my name on the bag, and time and where it came from.

Q. It came from the trunk of the car occupied by Norman Hall?

257 A. And Parran, yes, sir.

MR. FLANNERY: Your Honor, that is all I have at this time, but I would request permission to recall this witness after Lt. Foran has testified.

* * * * *

258 ROBERT G. KISSNER

was called as a witness by the Government, and having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FLANNERY:

Q. Please state your name. A. Robert G. Kissner.

Q. And your assignment? A. Sergeant assigned to the Gambling and Liquor Squad, Metropolitan Police Department.

Q. Were you so assigned on September 18, 1958? A. I was, sir.

Q. On that day did you have occasion to go to 716 Kenyon Street, Northwest, in the District of Columbia? A. I did, sir.

259 Q. Approximately what time did you go there? A. About 2:30 p. m.

Q. Did you go there with other officers? A. I did, sir.

Q. Did you have anything in your possession when you went there?

A. I did.

Q. What did you have in your possession? A. I had in my possession a United States Commissioner's search warrant.

Q. For what premises? A. 716 Kenyon Street, Northwest.

Q. Very well. Now, when you arrived at that place as you have described, what did you do? A. I told Private Evans to go to the rear of the premises.

Q. Well --

MR. MITCHELL: I don't object. That is perfectly all right. His Honor can separate the hearsay.

THE WITNESS: I went to the front door accompanied by Detective Thomas, T. J. Thomas, and Detective Mills. I knocked on the door and the door was answered by the defendant Flournoy.

BY MR. FLANNERY:

260 Q. Is she seated there at counsel table? A. Yes. She is seated in the middle at the table.

Q. All right. A. And I identified myself as a police officer, and told her that I was in possession of the United States Commissioner's search warrant for violation of the gambling law.

Q. Very well. And then what occurred after that? A. I entered the premises with the defendant and walked into the dining room and accompanied her into the house and went into the dining room.

Q. And when you arrived at the dining room, what did you do? A. Well, as I entered into the dining room, on the table there was -- on the table laying a number of papers, slips scattered all over the dining room table.

Q. All right.

[Two boxes and contents marked Government's Exhibits No. 7 and No. 8 for identification.]

Q. Now, Sgt. Kissner, I will show you this box and contents known for the record as Government's Exhibit 7 for identification.

Will you take a look at that and tell me whether you can identify it? A. I identify this envelope --

261 Q. Keep your voice up. A. This envelope -- here is written my name, has my name on it. These slips containing numbers on them I recovered from underneath the table cloth in the dining room. They have my initials on them.

Yes, sir, this is identified with my initials, as being recovered from underneath the tablecloth in the --

* * * * *

262 Q. Did you seize the entire exhibit? A. I seized the entire exhibit from --

THE COURT: From the dining room?

THE WITNESS: From the dining room. Slips from the dining room table and some slips from the top of the china closet in the dining room.

THE COURT: Very well.

BY MR. FLANNERY:

Q. All right. Now, showing you for the record this box known as Government Exhibit 8 for identification and the contents, is that included in the property that you recovered from the dining room? A. Yes, these are included. These books were also recovered from the top of the dining room table.

Q. Very well. Now, then, Corporal Kissner, did you question the defendant Flournoy in regard to that evidence at that time? A. I
263 did, sir.

Q. Did you place Defendant Flournoy under arrest? A. I did, sir.

Q. And was that -- did you question her subsequent to her arrest?
A. I did.

Q. Very well. Now, how long after her arrest did you question her?
A. I questioned her as soon as I recovered the slips from the top of the dining room table, I questioned her as to who these slips belonged to.

Q. All right. Now, how long, in terms of minutes, would you say that was after her arrest? Approximately? A. One -- two to five minutes.

Q. Two to five minutes? A. Yes, sir.

Q. Very well. Now, what did the defendant Flournoy say in regard to that evidence?

* * * * *

264 A. I asked the defendant who this numbers work belonged to and she stated that it all belonged to her.

Q. And did she say anything further, without mentioning any names of anyone she might have mentioned?

* * * * *

THE WITNESS: I asked the defendant if the man had been there to pick up her numbers work and she replied that he had been there.

Q. The man had been there? A. The man had been there.

Q. Did you ask her anything else? A. I also asked her how long she had been participating in the numbers game and she said for several

265 weeks that she had been writing and taking numbers.

Q. She had been writing and taking numbers for several weeks?

A. Yes.

* * * * *

267

WILLIAM D. FORAN

was called as a witness by the Government, and having been duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FLANNERY:

Q. Please state your name. A. William D. Foran.

Q. Your occupation. A. Lieutenant, Metropolitan Police
Department.

Q. Are you attached to the Gambling Squad? A. I am, sir.

Q. And you were so attached on September 18, 1958. A. I
was, sir.

Q. Now, how long have you been attached to the Gambling Squad
of the Metropolitan Police Department? A. Since November 1, 1952.

Q. And during that time have you become familiar with the
operation of so-called numbers game? A. I have, sir.

268 Q. That is a lottery, is it not? A. It is, sir.

* * * * *

THE COURT: The Court has previously recognized the witness'
qualifications as an expert in this field as a result of his testifying to
his experience.

* * * * *

THE COURT: The Court so recognizes the professional status of
the witness.

* * * * *

269 MR. FLANNERY: * * * Now, for the record, showing you
what is now known as Government Exhibit No. 1A for identification,
will you please tell the Court what that is, in your opinion? A. Well,
this particular slip that I hold in my hands, which is Government Exhibit
1A, bears the general characteristic of a numbers run-down tape.

I find here several figures added and a total at the bottom and a code, what I identify as a writer's code identification as "J" on here.

270 There is another indication in the writing on here which says "O, OWE."

In my opinion, that is a record of the amount of money that the writer identified as "J" owed to the backer. Backer or bankers, either one.

* * * * *

Q. All right. Now, I will hand you 1B for identification, the green card. Will you tell me what that is, sir, in your opinion?

A. Government Exhibit 1B is a numbers cut card. We find on here indication these numbers "4 to 1" and the words, "5 to 1 in special." That means regular bets that have been made on these numbers are cut 400 to one, normal odds being 600 to one; and "5 to 1 special" means that if the player gets a special odds on that particular bet, he will get 500 to 1, instead of 400 to 1.

271 Those are for the straight numbers. Then you have another indication here of combination, and it has a list of numbers that are cut in combination.

* * * * *

273 Q. Now, Sgt. Foran, I will hand you Government Exhibit 2 for identification which allegedly contains evidence seized from the right hip pocket of Norman Hall on September 18, 1958, and call your attention to the three brown envelopes which comprise the contents * * *.

* * * * *

Q. All right. Now, Lieutenant, that you have looked at the contents of the single item, certain pieces of the contents, I call your attention to what is known as Government 2A-1 for identification.

Will you please tell the Court what that is, in your opinion?

274 A. This is a regulation numbers slip. Bears the writer's code of NH8, the figure eight, and it has an entry made up here, "OL" and another code, NH1.

To me that "OL" indicates that this slip was a overlook at the office when they processed the work on the day that this slip was sent in.

And we have another indication here of 200, fifteen cent combination on the number 200, and we have a figure \$60 listed up there.

I would say that this is a hit slip, a record of a hit made on the numbers game.

Q. Very well. Would that ordinarily be in possession of a mere player or someone connected with the actual operation? A. Ordinarily a hit slip is kept within the operation. It quite frequently is sent back down through channels from the backer to the writer. Then, again, the backer might keep that record himself in his office.

Q. Showing you 2A-2, is that likewise a numbers slip, in your opinion? A. Yes. This is a numbers slip. Has a code which I cannot interpret.

This slip contains either a single or a double action numbers bets. There are no straight numbers bets on here.

* * * * *

275 Q. All right. Now, Lt. Foran, I will show you the contents of
Government Exhibit 2B, the contents being known for the record as
276 2B-1 for identification, consisting of nine pieces of yellow paper
with writing on them. Are they numbers slips in your opinion? A. Yes,
they are.

* * * * *

277 Q. Now, Lt. Foran, I will show you at this time Government Exhibit 3 for identification, this white pad, several pages of which contain numbers written on them, allegedly taken from the wallet of the defendant Parran in this case.

I will ask you to look at Government Exhibit 3 for identification, those two pieces of paper with writing on them, and tell His Honor what they are, in your opinion. A. The top sheet of this pad contains a list of numbers bets and identification of the writer in the upper right hand corner of "BP"

The slip that I have here in my hand bears the same writer's code, and it, too, contains a list of numbers bets.

Q. 'BP,' in your opinion, would be the writer's code? A. That is correct.

278 Q. And, in your opinion, are these two pieces of paper numbers slips paraphernalia used in the operation of the numbers game?

A. These two slips are numbers slips. They bear records of numbers bets.

* * * * *

Q. I hand you 4A-1 for identification. What is that in your opinion?

A. Government Exhibit 4A-1 is a numbers run-down tape.

* * * * *

Q. I will hand you now Government Exhibit 5 for identification, for the record a brown paper bag, and its contents allegedly seized from the glove compartment of a 1956 Chevrolet occupied by Norman Hall and the defendant Parran, September 18, 1958.

And I show you the contents of that bag. I will hand you part of the contents of that bag, a stack of yellow slips. I haven't counted them, but all the yellow slips are known for the record as Government Exhibit 5A-1.

Will you look over those yellow slips and tell His Honor what they are, in your opinion? A. Government Exhibit 5A-1 consists of a large quantity of numbers slips.

279 Q. Are they the original copies of numbers bets? A. They are, sir.

Q. Do they all bear different writer's codes on there or different writers' codes? A. Yes, I find in Government Exhibit 5A-1, seven different writers' codes represented.

Q. I will show you the contents of Government Exhibit 6 for identification, a brown paper bag, and its contents which allegedly were seized from the trunk of the automobile occupied by Parran and Hall September 18, 1958.

And with respect to these books which I am showing you, what are they, in your opinion?

* * * * *

THE WITNESS: All of the books that I have examined here from the Government's Exhibit 6 are what we refer to as regulation numbers books.

* * * * *

283 Q. Now, Lt. Foran, have you had an opportunity to examine this evidence subsequent to the arrest of September 18, 1958, to make a comparison between the evidence seized from the different individuals?
A. I have, sir.

Q. Now, what comparison of the evidence seized from these three defendants have you made? A. I made a comparison between the evidence seized from the brown paper bag which was taken from the glove compartment of the car operated by Mr. Hall and a numbers book taken from 716 Kenyon Street, and I found that the original copies of the large quantity of numbers bets bearing code 2 found in that bag in the glove compartment were the originals of the book which was found at 716 Kenyon.

* * * * *

305

Washington, D. C.
Monday, May 25, 1959

The above-entitled action came on for further hearing before the Honorable EDWARD A. TAMM, at 10:00 a. m.

APPEARANCES:

On behalf of the government:

THOMAS A. FLANNERY, Esq.

On behalf of the defendants:

CURTIS MITCHELL, Esq.

* * * * *

311

REDIRECT EXAMINATION

BY MR. FLANNERY:

Q. Lt. Foran, just one question: With reference to Government's Exhibit No. 8, I call your attention to some rundown tapes contained in

this box to which you made reference when Mr. Mitchell was asking you questions, and I will ask you: Do those run-down tapes contain any dates?

* * * * *

312 THE WITNESS: Yes. This coin envelope here with Code 2 marked on it, I find a tape in here with Code No. 2 dated September the 12, 1958, and on that we have hit slips which I identify by the recordings listed thereon; and then we have another tape, two more tapes that have the dates of September the 12th recorded thereon.

BY MR. FLANNERY:

Q. 1958? A. 1958.

313 Q. Very well.

* * * * *

A. * * * From the second envelope I have in my hand a run-down tape bearing Code No. 2 with the date of September the 16th, 1958; and another tape also bearing the same recordings.

Q. And the same date? A. Same date, yes, sir.

* * * * *

314 RECROSS EXAMINATION

BY MR. MITCHELL:

Q. All the things, Officer, that you have identified specifically on direct examination constitute in your expert opinion numbers paraphernalia, is that correct, sir? A. Numbers records or numbers slips, yes, sir.

* * * * *

MR. FLANNERY: Your Honor, Mr. Mitchell told me last week that he had these slips contained in a brown envelope which had been inadvertently returned to him. At this time I would like to get those from Mr. Mitchell and make them a part of the record of this case.

* * * * *

MR. MITCHELL: If Your Honor please, I have called and asked that those things be brought immediately from the office and I am sure they will be here very quickly.

In order that the Court not be inconvenienced, as I indicated to Mr. Flannery, I will stipulate that the pieces of paper which I have and
 315 which were, I think, the pieces of paper which were found in an envelope on the seat of the car, would be identified by the government's witness, Lt. Foran, as being numbers slips.

* * * * *

316 MR. FLANNERY: Yes, sir.

Now, Your Honor, at this time I renew my offer into evidence of the various exhibits.

THE COURT: By "various exhibits" you mean Government's Exhibits what?

MR. FLANNERY: 1 through 9, Your Honor.

THE COURT: 1 through 9, with all of the subgroupings?

MR. FLANNERY: Yes, Your Honor.

THE COURT: Very well. Mr. Mitchell?

MR. MITCHELL: Well, if Your Honor please, my position remains the same. I would appreciate, and I do request Your Honor at this time to hold your ruling in abeyance with respect to that because to my mind there is a serious question relative to the admissibility of the evidence, and I would like an opportunity to put on evidence in respect to it.

THE COURT: Very well. I will assume that the government rests; is that right, Mr. Flannery?

MR. FLANNERY: Yes, Your Honor.

THE COURT: With the Court holding in abeyance the ruling upon Government's Exhibits 1 through 9 until Mr. Mitchell can offer such testimony as he desires to establish the inadmissibility of those documents, or those exhibits.

317 MR. MITCHELL: Yes, Your Honor.

MR. FLANNERY: Very well.

MR. MITCHELL: May I -- I don't know just really where I am at this point. I would like to move at this time for a judgment of acquittal as to the --

THE COURT: I don't know. I have considered that. I don't know how you can move for a judgment of acquittal with the government not having completed their evidence by the submission of their evidence.

MR. MITCHELL: I think you are correct, Your Honor.

THE COURT: I will permit you to suspend or withhold your motion for judgment of acquittal until the Court has passed upon the admissibility of the evidence. You may then make your motion.

MR. MITCHELL: Very well, Your Honor.

* * * * *

318

GLEN A. HILTON

was recalled as a witness by the defendants and, having been previously duly sworn, was examined and testified as follows:

* * * * *

DIRECT EXAMINATION

BY MR. MITCHELL:

* * * * *

Q. I will ask you, Mr. Hilton, and I show you now what purports to be a copy, sir, of a search warrant. I show you now the last page of the affidavit attached to that search warrant; the affidavit upon which the search warrant issued.

319 I ask you, sir, if you see there your signature. A. Yes, I do.

Q. And did you sign this affidavit, sir, before the United States Commissioner? A. Yes, I did.

Q. And do you recall when it was that you did so? A. It was September the 16th or 17th.

* * * * *

328 Q. Now, in this affidavit, Mr. Witness, it is said that Norman Harold Hall had been arrested and charged with operating a lottery and possession of numbers slips. Did you make that statement? A. Yes, sir.

Q. And where did you get that information? A. Where did I get it from?

Q. Yes, sir. A. Well, from his record on file that we have in the office and my personal knowledge of Mr. Hall.

Q. Well, did your personal knowledge, sir, and the knowledge that
329 you got from the records also indicate to you that this man had never been convicted of operation of a lottery either in the District or elsewhere?

A. No, sir. It showed that he was arrested.

Q. You didn't ascertain whether he had been convicted? A. Well, I -- yes, I ascertained that he was convicted in Maryland.

Q. Of operating a lottery? A. No, sir. I believe for possession of numbers slips.

Q. But you didn't see any convictions in the District of Columbia?

A. No, sir.

* * * * *

Q. Now, there is a statement also in the affidavit, Mr. Witness, "A complaint was received in the office of the Morals Division on June 22, 1954, that stated that numbers were being written in the United States
330 Coast Guard Building, that the numbers were being turned in to Moses M. Wilson, the guard at the rear of the U.S. Coast Guard Building." Did you at any time, sir, see such complaint? A. No, I didn't see it, but I was told.

Q. Who told you that there was such a complaint? A. Inspector Layton, and Officer Poyner.

Q. But you never did see it, did you? A. No, sir.

THE COURT: The witness has said he didn't see it, Mr. Mitchell.

BY MR. MITCHELL:

Q. Now, during this observation, Mr. Hilton, and on all the occasions that you saw the defendant Hall, you at no time saw a numbers slip or what you identified as a numbers slip, did you? A. No, sir, I never saw a numbers slip.

Q. And with respect to the defendant Parran you never saw him with any numbers slip or what you could identify as a numbers slip, did you?

A. No, sir.

* * * * *

332 BY MR. MITCHELL:

Q. And did you observe those things stated in the affidavit which said that you saw certain things which you didn't see? A. Well, I didn't sign them in that faith.

Q. I didn't understand you, sir. A. I didn't sign them in that faith. My interpretation of it was that Officer Poyner observed -- what Officer Poyner observed, that it was sufficient enough on the affidavit for me to sign.

Q. And you did not realize that that meant that you were signing that the things contained in here, which alleges that you actually saw, that when you signed and affixed your name to this oath, that that meant that you did those things and saw those things? A. Yes, sir.

Q. You did not understand that? A. No, sir.

* * * * *

333 JACK E. EVANS

was called as a witness by the defendants and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MITCHELL:

* * * * *

337 Q. Now, during the course of your observations, sir, you didn't see either the defendant Hall or the defendant Parran with any numbers slips at any time, did you? A. Numbers slips? No, sir.

Q. Nor did you see them accept a bet from anyone or make a play? You never made a play with either of these men, did you? A. I did not, sir.

THE COURT: I think the government will stipulate that there were no numbers plays made with these defendants.

MR. FLANNERY: Yes, Your Honor.

MR. MITCHELL: Very well, Your Honor.

BY MR. MITCHELL

Q. Did you at any time see a complaint dated June 22, 1954, which complaint stated that numbers were being written in the United States

Coast Guard Building, that numbers were being turned in to Moses M. Wilson, the guard, at the rear of the U.S. Coast Guard Building? A. I did not, sir.

Q. So at the time you swore to this affidavit you actually had no personal knowledge with respect to any complaint of that character, did you? A. That is right, sir.

MR. MITCHELL: I have nothing further.

338

CROSS EXAMINATION

BY MR. FLANNERY:

Q. Officer Evans, you have testified on direct examination to Mr. Mitchell that on two dates, namely August 14 and August 19, you made certain observations alone. A. That's right, sir.

Q. Now, what observations did you make on August the 14th?

A. On August the 14th, sir, I was in the vicinity of around 18th and U Streets, Northwest, that is a junction there that includes Florida Avenue, also, at this point. On that date I saw Mr. Hall walking up 18th Street from T toward U. I saw him enter the delicatessen located at 1782 Florida Avenue, and remain a few minutes and leave. At that time he crossed the street to a point of the northeast corner of 18th and U Streets, Northwest, where he met a man who was later to be identified as Mr. Parran, the defendant here.

There was a brief conversation between Mr. Parran and Mr. Hall, and both men left this corner and walked back to Mr. Hall's car and drove away.

Q. Did you notice anything about them? A. Well, in Mr. Hall's hand, one hand, he had a small paper bag, brown paper bag, which he gave to Mr. Hall.

THE COURT: Just a minute.

Read the witness' last statement, Mr. Reporter.

339

[The last answer was read by the reporter.]

THE WITNESS: I correct that, sir, in Mr. Parran's hand, Mr. Parran gave the bag to Mr. Hall.

BY MR. FLANNERY:

Q. Did that conclude your observation for that day, sir? A. It did, sir.

Q. I call your attention to the other date, August the 19th, 1958. What observations did you make on that day? A. On that date, sir, it was about 1:10 p. m., I was in the vicinity of the fourteen hundred block of Newton Street, Northwest. On that date from a point across the street I saw Mr. Hall enter the premises of 1476 Newton Street through a front entrance leading to the basement of an apartment building there. He went in and remained about -- well, about one minute -- and then left. Got into his car and drove away.

Later, about 2:30 p. m., the same date, I was in the vicinity of 18th and Florida Avenue, Northwest, District of Columbia. On that date I saw Mr. Hall and Mr. Parran walking together to Mr. Hall's car. Both men got in the car and drove away.

Q. Did you notice anything about them? A. Mr. Hall had -- I think it was protruding from his back pocket, was a small bag, just the top of it.

340 Q. Very well, did you notice anything about Parran? A. As I recall, no, sir.

MR. FLANNERY: Very well.

* * * * *

341

LAWRENCE W. PARRAN,

one of the defendants, was called as a witness in his own behalf and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MITCHELL:

Q. State your name to the Court, sir. A. Lawrence Parran.

Q. And you are one of the defendants in this case? A. I am.

Q. Now, Mr. Parran, calling your attention specifically to the dates which have been testified to that you were in an automobile with Mr. Hall, did you ever have occasion, sir, to go -- to be in an automobile with Mr. Hall at premises 423 18th Street, Northeast? A. No, I

never was in the automobile with Mr. Hall at that premises.

Q. When you rode with Mr. Hall where did you ride from and to?

A. From the seventeen hundred block of Willard Street, Northwest, to the seventeen hundred block of Benning Road, Northeast.

Q. And then what would you do there? A. There I would catch the
342 bus and go home to 49th Street, Northeast.

MR. MITCHELL: That's all. Your witness.

CROSS EXAMINATION

BY MR. FLANNERY:

Q. Mr. Parran -- with the Court's permission I will rephrase it if I may.

Mr. Parran, from August the 8th, on or about August the 9th, 1958, until you were arrested on September the 18th, 1958, you were helping Mr. Hall out in the numbers business. Isn't that right? A. No, that
343 isn't correct.

Q. Well, now, you did meet him on a number of days, didn't you?
A. Yes, I did.

Q. You met him on August the 14th, didn't you? A. I believe I did.

Q. Where did you meet him on that day? A. I believe it was in the twenty-one or twenty-two hundred block of Champlain Street, Northwest.

Q. And did you have a package for him? A. No, I didn't.

Q. Did you have a brown paper bag? A. Yes, I did.

Q. And what was in the brown paper bag? A. They were clothes.

Q. Clothes? A. Yes, they were.

Q. Now, how big a bag was that? A. It was about the size of the one you have there on the table.

Q. This one, Government's Exhibit 8? A. Yes.

Q. Now, where did you go with Mr. Hall on that day? A. I went as far as the corner of 18th and Kalorama Road.

344 Q. How had it come about that you met Mr. Hall on that day?
Had you made a plan to meet at that time? A. No, I hadn't.

Q. What? A. No, we hadn't.

Q. Well, did you just accidentally run into each other on that day?

A. Yes.

Q. And he dropped you off a short distance away. Is that your testimony? A. That's correct.

Q. Now, then, I call your attention to the next day, August the 15th. Do you recall that day? A. No, I don't.

Q. Well, did you just accidentally run into Mr. Hall again on that day?

MR. MITCHELL: Objection. The question presupposes the conclusion. The witness hasn't testified that he did.

THE COURT: The witness says he doesn't recall that day, Mr. Flannery.

BY MR. FLANNERY:

Q. Don't you recall anything at all about that day? A. No, I don't.

345 Q. Well, do you deny, Mr. Defendant, that on August the 15th, 1958, you met the defendant Hall?

MR. MITCHELL: Objection. Improper question, Your Honor.

THE COURT: The objection is overruled.

THE WITNESS: I don't recall being with Mr. Hall that day.

BY MR. FLANNERY:

Q. Now, I call your attention to August the 18th, 1958. Did you meet Hall on that day? A. I could best answer those dates by saying that during the time that the affidavit says I met Mr. Hall those days, frequently I visited my aunt who lives in the eighteen hundred block of Kalorama Road, and I had spoken to Mr. Hall on the 14th, I think it was, and asked him about a ride as far as 17th Street, Northeast, and I would frequently meet him at 2:30 or a quarter past two to get a ride as far as 17th Street -- I mean 17th and Benning Road, Northeast.

Q. Let me ask you this, Mr. Defendant: Were you working in August and September of 1958? A. No, I wasn't.

Q. Well, how did you support yourself?

* * * * *

346 THE WITNESS: At the time I wasn't working, I was borrowing money, I would say from an uncle of mine. His name is Rudolph Payne, if you would like the name.

BY MR. FLANNERY:

Q. With respect to the period August the 8th to September the 18th, calling your attention to that period, did you work at any time during that period? A. No.

Q. Well, when had you last had a job? A. In April.

Q. Where you worked before August the 8th, 1958? A. I last worked April of 1958.

* * * * *

347 Q. You have testified that on one day when you met Hall, which, I believe, it was the 12th of August, that you had a brown paper bag.

Now, I ask you, on any of those other days when you met Hall did you have a brown paper bag? A. I think on one other occasion I did.

Q. And what was in the bag on that occasion? A. On one occasion I had seen Mr. Hall earlier in the day and he had asked me to buy him a couple of sandwiches so that he would have them to eat when he picked me up at 2:30.

Q. I see. And I take it that it is your testimony you at one time gave him a brown paper bag with sandwiches in it? A. That's correct.

Q. Now I call your attention to the date when you were arrested, which was September the 18th, 1958.

Now, you were seated in the car, in an automobile with Hall,
348 isn't that right? A. That's correct.

Q. And when police officers approached and told you they had warrants, you threw an envelope on the seat of the car. Isn't that right? A. No, it isn't.

Q. That isn't right? A. No.

Q. Well, isn't it a fact, Mr. Defendant, that you had numbers slips in your possession on September the 18th, 1958? A. I had a pad with some numbers on it.

Q. Well, where did you get that pad? A. It was mine.

Q. Well, weren't those numbers bets recorded on the pad?
Isn't that right? A. That's correct.

Q. They were bets that you had taken from people; isn't that right?
A. No, it isn't.

Q. Well, what were they? A. They were numbers I had intended playing myself.

Q. You had attempted to play these numbers, is that your testimony? A. That's right.

349 Q. Now, handing you Government's Exhibit 3 for identification, showing you this pad and two pieces of the pad with numbers written on them, now, is it your testimony that you played 293 for a dollar? A. I did.

Q. And 869 for a dollar? A. I did.

MR. MITCHELL: Objection. The witness never said that he played them. He said they were numbers he was going to play. So I object to the form of the question.

THE COURT: Rephrase your question.

BY MR. FLANNERY:

Q. Well, did you play 869 for a dollar? A. I had played it that day? Yes, I had played it that day.

Q. You had played it. All right.

With respect to these other numbers on this particular pad here, is it your testimony that you played all those numbers? A. No.

Q. Well, what are all of these other numbers here with amounts after them? A. Well, I had written the numbers down. I picked those --

THE COURT: You did what?

350 THE WITNESS: I written the numbers on the pad, and I picked those that I liked best and played that day.

BY MR. FLANNERY:

Q. You played all of them? A. Just those that I liked best.

Q. Which ones did you like best? A. The first two.

Q. The first two. That would be 293 and 869, for a dollar apiece?

A. Yes.

Q. Now, Mr. Defendant, will you explain to the Court what "BP" in the upper righthand corner of this one sheet of paper means? A. Those are my initials. I sometimes would see the fellows that I would play with and just hand him the paper.

Q. It was your code, wasn't it? A. No.

Q. Now, calling your attention to this other sheet of paper which is part of this same exhibit 3, I see a number of three digit numbers with amounts after them. Now, what is that? A. As you will see from the numbers on this sheet and the numbers on this sheet, I had written all of these with the intention of picking those I liked best, and as I had copied this one you can see the amount of numbers are less.

351 THE COURT: Keep your voice up.

BY MR. FLANNERY:

Q. Now, then, I see one group of numbers here, 112, 532, 567, 171, 303, and 305, and they are all connected with a symbol and the amount "15." Were you going to play all those numbers for 15 cents?

A. No, I didn't have that much money that day. I don't think.

* * * * *

THE WITNESS: I was unemployed, and I couldn't afford to bet that many numbers, so, as you can see from those on the pad, I had copied them over again and then I could say the amount grew less.

MR. FLANNERY: All right. I think I understand you.

* * * * *

355 MR. MITCHELL: That concludes our case, Your Honor.

MR. FLANNERY: The government has no rebuttal, if the Court please.

THE COURT: Very well. I will assume for the record, Mr. Flannery, that you now tender in evidence Government's Exhibits Nos. 1 through 9. Unless you desire to be heard at this time, I will hear Mr. Mitchell in opposition to the admission in evidence of these exhibits.

MR. FLANNERY: Very well, Your Honor.

THE COURT: Mr. Mitchell.

* * * * *

378

Washington, D. C.
Tuesday, May 26, 1959

The above-entitled action came on for further hearing before the Honorable EDWARD A. TAMM, at 10:05 a. m.

APPEARANCES:

On behalf of the government:

THOMAS A. FLANNERY, Esq.

On behalf of the defendants:

CURTIS MITCHELL, Esq.

* * * * *

392

RULING ON ADMISSION OF EVIDENCE

THE COURT: The Court has carefully reviewed its notes on the testimony of the officers with reference to their individual admissions that they did not personally witness some incident which has been set forth in the affidavit supporting the request for the issuance of the warrants in this case.

The Court observes that the affidavit is a joint one, executed by the three police officers, Hilton, Evans, and Poyner, and the Court is unable to find any individual item in which all three officers admitted on the witness stand that they did not personally observe the details that are set forth in the affidavit.

I qualify this upon one point, and that is the reference to Apartment No. 9 in the premises at 423 18th Street, Northeast, where apparently after the first or second observation the reference to the fact that the defendant Hall entered that apartment appears to be surmise. But otherwise the facts in the joint affidavit are subject to confirmation by testimony by one or the other or the third of the officers.

393

In this case the Court does not believe that the warrants issued upon what Mr. Mitchell described yesterday as a robust suspicion. The officers, before applying for a search warrant or search warrants and

arrest warrants, made observations on 15 separate days. They observed a course of conduct with reference to the defendant Hall's activities which, from the viewpoint of their observations, began with his contact at the guard shack at the Coast Guard headquarters, proceeded on a methodical and timely, in the sense of uniformity of timing basis, to the twenty-one hundred block of 10th Street where a contact was made each day with the same individual.

The defendant then proceeded to 1476 Newton Street, where he remained a few minutes. He then went to 716 Kenyon Street where, after a short delay he proceeded to 922 Florida Avenue, Northwest. He then proceeded along his route to the seventeen hundred block of Willard Street, where, on two or three occasions, the contact was made with the defendant Parran. The defendant then proceeded to 423 18th Street, Northeast.

The stops at these addresses were made at approximately the same time every day. They were made during the customary hours when numbers operators are active as it is the experience of the police officers by
394 observation that such things do take place at these hours.

I believe, consequently, that there was probable cause when this conduct is measured in the light of the opinion of Chief Judge Prettyman in the Bell case, who points out that this type of conduct must be interpreted in the light of the experience of the police officers.

Obviously the defendant Hall was not delivering milk on these contacts at the various points where he went. The police officers have testified in greater or less detail about the bulging pockets, about the brown paper bags, and so on.

I believe that applying the test of the judgment, the conduct of a reasonable man to the conduct of the officers in this case, that there was adequate grounds for the issuance of the warrants. I believe the Court must overrule Mr. Mitchell's objections to the government's exhibits G-1 through G-9.

The Court will admit the exhibits in evidence.

[Government's Exhibits Nos.
G-1 through G-9 were received in evidence.]

THE COURT: Now, with that do you rest your case, Mr. Flannery?

MR. FLANNERY: I do, Your Honor.

THE COURT: Very well.

* * * * *

395 THE COURT: Do you have further testimony in the case, Mr. Mitchell?

MR. MITCHELL: I have none, Your Honor.

THE COURT: Very well. You had a motion, then, that you wanted to make?

MR. MITCHELL: Yes, if Your Honor please.

With respect to the indictment, the indictment charges, Your Honor, in Count 1 of the indictment, the operation of a lottery. It charges the joint operation of a lottery, Your Honor. It charges that the defendant Norman Hall, together with Lawrence W. Parran, Lessie Flourney, and Moses M. Wilson -- Now, I urge upon Your Honor this first matter for consideration; that the indictment having been laid in joint fashion, if Your Honor please, must be established sufficiently by the proof and evidence adduced by the government to maintain it. I respectfully submit that in that particular the government has not maintained this burden of proof.

But more importantly in my opinion, if Your Honor please, and more substantially, is this issue: I made known to Your Honor at the
396 very outset that in my opinion, assuming the validity of the issuance of the warrants in this case, that the defendants were in fact guilty of possession. I am not divorced from that opinion, Your Honor, notwithstanding what evidence has been here adduced.

THE COURT: What action at this point are you asking the Court to take?

MR. MITCHELL: I am asking Your Honor at this point to grant a judgment of acquittal with respect to Count 1 of the indictment.

* * * * *

412

RULING ON MOTION

THE COURT: I believe the evidence in the case, Mr. Mitchell, requires the Court to deny your motion for a judgment of acquittal on the first count of the indictment.

The Court will do so.

Do you have any further motions, Mr. Mitchell?

MR. MITCHELL: Well, I have this, Your Honor: If the conclusion be that the motion with respect to Count 1 of the indictment should be denied, then I respectfully submit to you, Your Honor, that they can't be guilty of both. So if they are guilty of Count 1, then necessarily they are not guilty of the other count. It is the same evidence.

THE COURT: For the record, indicate specifically what you are asking the Court to do.

MR. MITCHELL: Count 1, if Your Honor please, sets up that there was an operation of a lottery between August the 8th, 1958, up to and including September the 18th, 1958.

Count 2 says that Lessie Flournoy did on August the 8th up to and about September the 18th maintain, aid, and permit the maintaining of a
413 gambling premises.

There has been no evidence here that anybody made a bet in 716 at all. But let's assume that there was, that would still, in my opinion, if Your Honor please -- and I respectfully submit -- would cause that to come within the -- to be an included offense within Count 1 of the indictment. Count 1 says it is an operation.

So all of those acts done that are incidental and a part, an integral part of the operation, Your Honor, are necessarily included in that offense.

Now then, Count 3 says that they had possession, that they were guilty of possession.

Count 4 -- Count 3 with respect to Norman Hall.

Count 4 with respect to Parran, and Count 5 with respect to Mrs. Flournoy.

Now, I respectfully say to Your Honor they can't be guilty of those things and guilty of the operation, too, because these subsequent counts are necessarily included in Count 1. They are included offenses.

THE COURT: I believe that the evidence establishes for the government a situation in which there is a violation not only of Section 1501 but in addition of Sections 1502 and 1505 of Title 22 of the District of Columbia Code. I do not think that these are included offenses in the sense that a conviction on one count automatically necessitates a judgment of acquittal on the other counts.

414 I will deny your motion, Mr. Mitchell.

Anything further?

MR. MITCHELL: I have nothing further, Your Honor.

THE COURT: Do you desire to be heard in summation, Mr. Flannery?

MR. FLANNERY: No, I don't, Your Honor.

THE COURT: Mr. Mitchell?

MR. MITCHELL: Nothing left for me to say, Your Honor.

THE COURT: Very well.

The Court finds the defendants guilty as indicated.

I observed that the defendants have been on bond. Is there any reason why they should not remain on bond pending sentence, Mr. Flannery?

MR. FLANNERY: Well, my information as to Hall, Your Honor, is that he has been engaged in this type of activity for a number of years. As to him I see no good reason why he should remain on bond.

As to the other two I am inclined to take the view that they are lesser lights in the operation and I would have no objection to them remaining on bond.

THE COURT: I will refer the case of all three defendants to the probation officer for pre-sentence investigation.

415 I will permit the defendants to remain on bond pending sentence.

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[Filed Nov. 16, 1959]

UNITED STATES DISTRICT COURT
For The
District of Columbia

Commissioner's Docket No. 7

Case No. 331

UNITED STATES OF AMERICA)

v.)

SEARCH WARRANT

1956 Black 4 dr. Chevrolet Sedan)

DC tags GR 298)

listed to Delores A. Hall of)

523 25th St. N. W. WASH DC)

To Chief of Police, D. C. or Any Member of the Metropolitan Police, D.C.

Affidavit having been made before me by Pvts. William J. Poyer, Glen A. Hilton & Jack E. Evans, Morals Div. MPDC, that he has reason to believe that on the premises known as 1956 black 4 dr. Chevrolet Sedan DC tags GR 298 listed to Delores A. Hall, Washington, in the District of Columbia, there is now being concealed certain property, namely lottery tickets, lottery policies, or any book, paper, memorandum or device used in setting up, promoting, or maintaining a policy lottery. The facts to sustain this are as set forth in the affidavit attached hereto and made a part hereof.

which are in violation of the D.C. Code, Title 22, Sections 1501 and 1502 and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the premises above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the place named for the property specified, serving this warrant and making the search in the daytime and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and

bring the property before me within ten days of this date, as required by law.

Dated this 17 day of September, 1958

/s/ James F. Splain
U. S. Commissioner.

RETURN

I received the attached search warrant September 18, 1958, and have executed it as follows:

On September 18, 1958 at 3:45 o'clock P.M., I searched (the person)
(the premises)
described in the warrant and

I left a copy of the warrant with Norman H. Hall together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

\$121.00 in bills from person of Norman Hall - unclaim

Large quantity of number Slips

Rundown tapes

\$85.45 from auto

This inventory was made in the presence of Norman H. Hall, Det. Ward C. Foulkes, Pvt. W. J. Poyner and Pvt. G. A. Hilton.

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

/s/ Det. Ward C. Foulkes

Subscribed and sworn to and returned before me this 24th day of Sept., 1958.

/s/ James F. Splain
United States Commissioner

AFFIDAVIT FOR SEARCH WARRANT

BEFORE JAMES F. SPLAIN, U. S. Court House, Wash. 1, D. C.

The undersigned being duly sworn deposes and says:

That he has reason to believe that on the premises known as 1956 black 4 dr. Chevrolet Sedan - DC tags GR 298 listed to Delores A. Hall, Washington in the District of Columbia, there is now being concealed certain property, namely lottery tickets, lottery policies or any book, paper, memorandum or device used in setting up, promoting, or maintaining a policy lottery. The facts to sustain this are as set forth in the affidavit attached hereto and made a part hereof, which are in violation of D.C. Code, Title 22, Sections 1501, and 1502.

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows: See the Affidavit attached hereto and made a part hereof.

/s/ Pvt. William J. Poyner
Pvt. William J. Poyner, Morals

/s/ Pvt. Glen A. Hilton
Pvt. Glen A. Hilton, Morals

/s/ Pvt. Jack E. Evans
Pvt. Jack E. Evans, Morals MPDC

Sworn to before me and subscribed in my presence, September 17, 1958.

[SEAL]

/s/ James F. Splain
United States Commissioner

STATEMENT OF FACTS RELATIVE TO THE REQUEST FOR A U. S. COMMISSIONER'S SEARCH WARRANT FOR THE PREMISES NAMED HEREIN AND A U. S. COMMISSIONER'S ARREST WARRANT FOR THE INDIVIDUALS NAMED OR DESCRIBED HEREIN: FOR THE VIOLATION OF THE LOTTERY LAWS OF THE DISTRICT OF COLUMBIA.

SEARCH WARRANTS:

1956 Chevrolet Sedan, Four (4) Door, black in color, D. C. Registration GR 298, Listed to Delores A. Hall, 523 25th Place, N.E., Washington, D. C.

716 Kenyon Street, N.W., Washington, D.C. (entire premises), listed to John Flournoy. So states the 1957 Washington Address Telephone Directory.

423 Eighteenth Street, N.E., Apartment Number 9, Washington, D.C. No name on the mail box or the door of the apartment. No name listing in the Washington City Directory.

ARREST WARRANTS:

NORMAN HAROLD HALL, colored, male, about 29 yrs., 5'6", about 200 lbs., dark brown skin, thick lips.

JOHN DOE #1, colored, male, about 25-30 years, 5'9", about 175 lbs., medium brown skin.

MOSES M. WILSON, alias UNCLE MOSE, colored, male, 51 yrs., 6', 199 lbs., medium dark brown skin.

STATEMENT OF FACTS:

Having received a complaint in the Office of the Morals Division that a 1956 Chevrolet, D. C. Registration GR 298, was picking up numbers from the guard, MOSES M. WILSON, at the rear of the U. S. Coast Guard Building every day between the hours of 1:00 and 1:10 p.m., Pvt. William J. Poyner and Pvt. Glen A. Hilton were assigned to make an investigation. As the case developed, Pvt. Jack E. Evans was assigned to assist Pvts. Poyner and Hilton.

Approximately 12:55 P.M., Friday, August 8, 1958, Pvt. William J. Poyner and Pvt. Glen A. Hilton, MPDC, Morals Division did observe Norman Hall, colored, male, 29 years, a known and convicted numbers man, drive to the rear of the U. S. Coast Guard Building, located at Thirteenth and E Streets, northwest, Washington, D.C., in a 1956 Chevrolet Sedan, D. C. Tags GR 298, and park. Hall was observed by Pvts. Poyner and Hilton to depart the car and go into the guard's shack and take a small yellow envelope from the guard (Moses M. Wilson), and depart the premises. Hall was then observed by Pvts. Poyner and Hilton to get into the above mentioned car and was followed to the 2100 block of Tenth Street, northwest, Washington, D.C., and double park in the middle of the block. At this time, Pvts. Poyner and Hilton observed a colored male, 6', light skin, about 55 yrs., walk over to the car and give Hall a small package (brown in color). Hall was then observed by

the officers to depart the block and drive on Tenth Street, northwest (north). Hall was lost from observation at Thirteenth and Monroe Streets, northwest.

About 1:05 p.m., Tuesday, August 12, 1958, from a point near Tenth Street, and Florida Avenue, northwest, Washington, D.C., Pvts. Poyner, Evans, and Hilton observed Hall driving a 1956 Chevrolet, D.C. Registration GR 298, stop in the 2100 block of Tenth Street, northwest. He double parked and a colored male, 6', light skin, about 55 yrs., approached the car and handed Hall a small package through the car window. Hall then drove off and was followed to 1476 Newton Street, northwest, Washington, D.C., where he entered the basement apartment, about 1:20 p.m. He remained in these premises until about 1:25 p.m., and then came out with a very noticeable bulge to his right front pants pocket and entered the car and was followed to the 700 block of Kenyon Street, northwest, Washington, D.C., where he parked in the alley between Irving and Kenyon Street, northwest, and entered the rear of premises 716 Kenyon Street, northwest, about 1:30 p.m., with his pockets still bulging. About 2:00 p.m., same date, Hall was observed to depart the premises with extremely bulging pockets by Pvts. Poyner, Evans, and Hilton. He entered the car and was followed to the 900 block of Florida Avenue, Northwest, Washington, D.C., where he parked the car and was seen to enter premises 922 Florida Avenue, northwest, Washington, D.C., without any bulge to his clothing. About 2:07 p.m., same date. About 2:20 p.m., Hall was observed by Pvts. Poyner, Evans, and Hilton, to depart premises 922 Florida Avenue, northwest, with his pockets bulging and enter the car and drive west on V Street, northwest, Washington, D.C., and at this point he was lost from observation.

About 1:18 p.m., Wednesday, August 13, 1958, Pvts. Poyner, Evans, and Hilton observed Hall driving a 1956 Chevrolet, D.C. Tags GR 298, park the car in the 2100 block of Tenth Street, northwest, Washington, D.C., and a colored male, 6', 55 years, light skin, walked over to the car and handed Hall a brown paper bag. Hall then drove off. About 1:27 p.m., same date, Pvt. Evans from a point across the street observed

Hall park the car in front of 1476 Newton Street, northwest, Washington, D.C. Hall got out of the car with his pants pocket bulging and entered the basement of premises 1476 Newton Street, northwest, Washington, D.C. About 1:33 p.m., Hall came out of the premises and was observed by Pvts. Poyner, Evans, and Hilton, to have a bulge to his front pants pocket. About 1:40 p.m., same date, Hall was observed by Pvts. Poyner, Evans, and Hilton to enter by the front door 716 Kenyon Street, northwest, Washington, D.C., with bulging pockets. About 1:55 p.m., same date, Hall departed the premises with a bulge in his pants pockets, and holding both of his pockets so as if not to spill their contents. Hall was then followed by Pvts. Poyner, Evans and Hilton to the 900 block of Florida Avenue, northwest, where he parked and departed the car minus the bulge to his pants pockets and entered premises 922 Florida Avenue, northwest, Washington, D.C., about 2:10 p.m. He remained in the premises until about 2:20 p.m. Hall was observed by Pvts. Royner, Evans and Hilton to have extremely bulging pockets upon leaving the premises. Hall entered the car and at this time he was lost in the vicinity of Fifteenth and Vee Streets, northwest, Washington, D.C.

Approximately 12:30 p.m., Thursday, August 14, 1958, Pvts. Poyner and Hilton observed a 1956 Chevrolet, D.C. Tags GR 298, parked at Champlain and Florida Avenue, northwest, Washington, D.C. The automobile was kept under surveillance by Pvts. Poyner and Hilton. About 12:35 p.m., same date, Pvts. Poyner and Hilton observed Hall enter the car with bulging pockets. Hall was followed by Pvts. Hilton and Poyner to the corners of Champlain and Kalorama Road, northwest, Washington, D.C., where he picked up an unidentified colored male, 20-25 years, 5'11", brown skin, with a brown paper bag in his right hand. (The above described unidentified colored male will hereafter be referred to as John Doe #1). About 1:10 p.m., same date, Pvts. Poyner and Hilton observed Hall drive into the 2100 block of Tenth Street, northwest, Washington, D.C., where he double parked and the same colored male previously mentioned on the other dates approached the car and handed a brown paper bag to Hall through the car window. At about 1:20 p.m.,

same date, Hall was observed by Pvts. Poyner and Hilton to park his car in the 1400 block of Newton Street, northwest, Washington, D.C., and enter 1476 Newton Street, northwest, basement. At about 1:30 p.m., he was observed leaving the latter with bulging pockets and entered his car. Hall was then followed to the 700 block of Kenyon Street, northwest, where he parked and was observed by Pvts. Poyner and Hilton to enter 716 Kenyon Street, northwest, about 1:35 p.m., same date. About 1:58 p.m. same date Hall was observed entering 922 Florida Avenue, northwest, minus any bulge to his clothing. He remained in these premises to about 2:00 pm. At this time he was observed by Pvts. Poyner and Hilton to depart with a very noticeable bulge to his clothing and enter his car. Hall was then followed to the 1700 block of Willard Street, northwest, Washington, D.C. At this point, he was observed by Pvt. Jack E. Evans to depart his car and walked to the Florida Delicatessen, 1782 Florida Avenue, northwest, at 2:15 p.m., minus any bulge to his clothing. After a few minutes he came out of the latter with a small bulge to his pants pocket. Hall then walked to the corner of Eighteenth and You Streets, northwest, where he contacted John Doe #1 at about 2:24 p.m. John Doe #1 had in his possession two (2) brown paper bags. John Doe #1 gave one of the brown paper bags to Hall and they both returned to the car and drove off and was lost in the 1700 block of T Street, northwest.

About 1:08 p.m., Friday, August 15, 1958, Hall was observed by Pvts. Poyner and Hilton double park his car in the 2100 block of Tenth Street, northwest, Washington, D.C., and the same colored male, mentioned on previous dates, approached the car and handed Hall a brown paper bag. Hall was then observed by Pvts. Poyner and Hilton to enter 1476 Newton Street, northwest, at about 1:15 p.m., same date, without any bulge to his clothing. About 1:17 p.m., same date, Hall came out of the latter address with a noticeable bulge to his clothing. About 1:30 p.m., same date, Hall was observed by Pvts. Poyner and Hilton to drive into the alley in the rear of 716 Kenyon Street, northwest, and enter same, with his pockets bulging. Pvt. Poyner and Hilton observed several

unidentified colored men and women entered the front of premises 716 Kenyon Street, northwest, Washington, D.C., with bulging pockets and pocketbooks and would remain a few minutes and then leave the premises minus the bulge to their pockets and pocketbooks. About 1:50 p.m., same date, Pvts. Hilton and Poyner observed Hall depart the premises with extremely bulging pockets and enter his car and was followed to the 900 block of Florida Avenue, northwest, where he parked and departed the car minus the bulge and entered 922 Florida Avenue, northwest, Washington, D.C. He remained about two (2) minutes then came out with a very large bulge to his clothing. About 2:03 p.m., same date, Hall was observed by Pvts. Poyner and Hilton to park his car in the 1700 block of Willard Street, northwest. Hall departed the car minus the bulge to his clothing and entered 1769 You Street, northwest. About 2:25 p.m., same date, Pvt. Poyner and Hilton observed John Doe #1 carrying a white box, the contents of which sounded like paper and money, and enter 1769 You Street, northwest, Washington, D.C. About 2:40 p.m., Pvts. Poyner and Hilton observed Hall and John Doe #1 depart 1769 You Street, northwest, Washington, D.C. John Doe #1 was still carrying the white box and Hall was carrying a large brown paper bag. They both walked to the 1700 block of Willard Street, northwest, and entered the car and was lost from observation.

About 1:05 p.m., Monday, August 18, 1958, Hall was observed by Pvts. Poyner and Hilton double park in the 2100 block of Tenth Street, northwest. (Hall was driving a 1956 Chevrolet, D.C. tags GR 298). The same elderly colored male approached the car and handed Hall a brown paper bag. Hall was then followed to 1476 Newton Street, northwest, where he entered at 1:14 p.m., same date, minus any bulge to his clothing. Approximately 1:18 p.m., Hall came out of the latter address with a large bulge to his clothing. About 1:25 p.m., same date, Hall was observed to enter the rear of 716 Kenyon Street, northwest, with bulging pockets. Several unidentified colored females were observed by Pvts. Hilton and Poyner to enter 716 Kenyon Street, northwest, with bulging pocketbooks, remained a few minutes and depart minus the bulge. About

1:50 p.m., same date, Hall was observed to depart the premises by Pvts. Poyner and Hilton with a very large and noticeable bulge to his clothing, and enter his car and was followed to the 900 block of Florida Avenue, northwest, where he parked and entered 922 Florida Avenue, northwest, minus the bulge to his clothing at about 1:55 p.m. He remained in the premises until about 1:58 p.m. Hall departed the premises with a bulge to his clothing. About 2:03 p.m., same date, Hall was observed to park in the 1700 block of Willard Street, northwest, depart the car minus the bulge and walk north on Eighteenth Street, northwest. About 2:25 p.m., same date, Hall and John Doe #1 were observed by Pvts. Poyner and Hilton to enter his car. (1956 Chevrolet, D.C. tags GR 298). John Doe #1 was carrying a large brown paper bag. Pvts. Hilton and Poyner then followed Hall and John Doe #1 to the 1000 block of Sixth Street, northeast, where Hall parked and entered premises 1110 A Sixth Street, northeast, at approximately 2:35 p.m. and remained until 2:40 p.m. Hall came out with bulging pockets. Hall and John Doe #1 were lost from observation at this point.

Approximately 1:00 p.m., Tuesday, August 19, 1958, Hall was observed by Pvts. Poyner and Hilton to drive into the 2100 block of Tenth Street, northwest, and the same elderly unidentified colored male was observed to approach the car and hand Hall a brown paper bag. Hall then drove off. About 1:08 p.m., same date, Hall was observed by Pvts. Poyner and Hilton drive into the 1400 block of Newton Street, northwest. Pvt. Evans then observed Hall enter 1476 Newton Street, northwest, by the basement entrance, minus a bulge to his clothing, and remain in these premises until about 1:11 p.m., at which time Hall came out and was observed by Pvt. Evans to have a noticeable bulge to his clothing. About 1:25 p.m., same date, Hall was observed by Pvts. Poyner and Hilton to enter 715 Kenyon Street, northwest (by the front door) with bulging pockets. Pvts. Poyner and Hilton observed a steady flow of unidentified colored male and females enter 716 Kenyon Street, northwest, with bulging pockets and pocketbooks and they would remain a few minutes and then depart minus the bulge to their pockets and pocket-

books. Hall departed the premises at 1:58 p.m. with a very noticeable bulge to his clothing. About 2:03 p.m., Hall was observed by Pvts. Poyner and Hilton to enter 922 Florida Avenue, northwest, minus the bulge to his clothing. About 2:08 p.m., Hall departed the premises with a very noticeable bulge to his clothing. About 2:11 p.m., same date, Hall was observed by Pvts. Poyner and Hilton to park in the 1700 block of Willard Street, northwest, where he got out of the car minus the bulge. About 2:30 p.m., same date, Hall and John Doe #1 were observed by Pvt. Evans to enter the car both carrying brown paper bags. About 2:45 p.m., same date, Hall was observed by Pvts. Poyner and Hilton to enter 1110 A Sixth Street, northeast, minus the bulge to his clothing. About 2:48 p.m., same date, Hall departed the premises with a noticeable bulge to his clothing. Hall entered his car and was last at Seventeenth and Benning Road, northeast, from observation.

About 1:04 p.m., Wednesday, August 20, 1958, Hall was observed by Pvts. Poyner and Hilton walked to the rear of the Coast Guard Building at Thirteenth and E Streets, northwest, onto the parking lot and enter the Guard Shack and hold a conversation with a guard, whom Pvts. Poyner and Hilton recognize as Moses M. Wilson. Hall departed the guard shack with a brown envelope in his right hand at 1:08 p.m., and entered his car and drove to the 2100 block of Tenth Street, northwest. About 1:16 p.m., same date, the same unidentified colored male was observed by Pvts. Poyner and Hilton to go over to the car and give Hall a brown paper bag. Hall departed the area about 1:18 p.m.,

About 1:23 p.m., same date, Pvts. Poyner and Hilton observed Hall enter 1476 Newton Street, northwest, by the basement entrance minus the bulge to his clothing. About 1:28 p.m. same date Hall came out of the premises. He had a bulge to his right front pants pocket. Hall was then followed by Pvts. Poyner and Hilton to the rear of 716 Kenyon Street, northwest, where he entered with bulging pockets at 1:30 p.m. Pvts. Poyner and Hilton observed other colored males and females entering the premises with bulging pockets and pocketbooks and they would remain about two to five minutes and leave the premises minus the bulge

to their pocketbooks and pockets. Hall was then observed by Pvts. Poyner and Hilton depart the premises with a large bulge to his pockets at 1:55 p.m. and was followed to the 900 block of Florida Avenue, northwest, where he parked and was observed to enter 922 Florida Avenue, northwest, minus the bulge at 2:03 p.m. Hall remained in the premises until 2:06 p.m. and departed with a noticeable bulge to his clothing and entered the car and was followed to the 1700 block of Willard Street, northwest. About 2:11 p.m., Hall got out of his car and walked North on Eighteenth Street, northwest. About 2:35 p.m., Pvts. Poyner and Hilton observed Hall and John Doe #1 return to the car. John Doe #1 was carrying a brown paper bag. About 2:43 P.M., Hall parked in the 1100 block of Sixth Street, northeast, got out of his car, entered 1110 A Sixth Street, Northeast (Apt A) without bulging pockets. Hall remained there to about 2:45 p.m. Hall came out with bulging pockets. Hall and John Doe #1 were lost at Seventeenth and D Streets, northeast, at 3:15 p.m.

Approximately 12:58 p.m., Thursday, August 21, 1958, Pvts. Poyner and Hilton observed Hall park his car on the parking lot in the rear of the Coast Guard Building, located at Thirteenth and E Streets, northwest, and enter the guard shack and approached a guard known to Pvts. Poyner and Hilton as Moses M. Wilson. Wilson handed Hall a brown envelope. Hall then placed the brown envelope in his shirt pocket and departed about 1:00 p.m. Wilson came out of the shack and stood in front of same. About 1:08 p.m., Pvts. Poyner and Hilton observed Hall double park his car in the 2100 block of Tenth Street, northwest, and the same elderly colored male approached the car and handed Hall a brown paper bag through the car window and Hall departed approximately 1:09 p.m. About 1:14 p.m. Pvts. Poyner and Hilton observed Hall enter 1476 Newton Street by the front entrance with bulging pockets. About 1:18 p.m., Hall came out with a larger bulge to his pockets. About 1:23 p.m., Hall was observed by Pvts. Poyner and Hilton to enter the rear of 716 Kenyon Street, northwest, with bulging pants pockets. Pvts. Poyner and Hilton observed two

colored females enter by the front door with bulging pocketbooks. (Pvts. Poyner and Hilton have observed the same two colored females enter the premises on August 19, 1958). They would remain on the premises and leave minus the bulging pocketbooks. Approximately 1:55 p.m., Hall came out with a larger bulge in his pants pockets and entered his car and drove to the 900 block of Florida Avenue, northwest. About 2:00 p.m., Hall entered 922 Florida Avenue, northwest, minus the bulge and came out with bulging pants pockets about 2:02 p.m. Hall then drove to the 1700 block of Willard Street, northwest, parked his car. He got out and walked north on Eighteenth Street, northwest about 2:10 p.m. About 2:35 p.m., Hall returned to the car with bulging pockets and entered his car and drove to the 1100 block of Sixth Street, northeast and entered 1110 A Sixth Street, northeast, minus the bulge about 2:43 p.m. About 2:46 p.m., Hall came out of the latter address with bulging pants pockets. Hall then drove to Eighteenth and D Streets, northeast, where he was lost from observation at this point.

About 2:43 p.m., August 25, 1958, Monday, Pvts. Poyner and Hilton observed Hall driving a 1956 Chevrolet, GR 298, enter premises 1110 A Sixth Street, northeast, minus any bulge to his clothing and remain until 2:48 p.m., at which time he departed the premises with bulging pockets and entered his car. Hall was then followed to 423 Eighteenth Street, northeast, Apt. #9, and was observed to enter same minus the bulge to his pockets. Hall remained until 3:10 p.m., and he departed the premises with a bulge to his pockets, at this time. Pvt. Poyner observed a numbers book in Hall's hip pocket. Observations discontinued at this point.

Approximately 1:35 p.m., Tuesday, August 26, 1958, Pvts. Poyner and Hilton observed Hall driving a 1956 Chevrolet, D.C. tags GR 298, park in the 700 block of Kenyon Street, northwest, enter the premises 716 Kenyon Street, northwest, by the front door with bulging pockets. Pvts. Poyner and Hilton observed several unidentified colored males and females enter 716 Kenyon Street, northwest, with bulging pockets and pocketbooks. They would remain in the premises

for a few minutes and depart minus the bulging. About 1:50 p.m., Hall was observed by Pvts. Hilton and Poyner to depart 716 Kenyon Street, northwest, with a large noticeable bulge to his clothing and enter his car and was followed to 922 Florida Avenue, northwest, where he entered about 1:55 p.m., minus any bulge to his clothing. Observation was discontinued at this time.

About 2:45 p.m., Wednesday, August 27, 1958, Pvts. Poyner and Hilton observed Hall driving a 1956 Chevrolet, D.C. tags GR 298, enter 1110 A Sixth Street, northeast, without any bulge to his pockets and remain until about 2:48 p.m., at which time Hall departed the premises with bulging pockets. About 2:53 p.m., same date, Hall was observed by Pvts. Poyner and Hilton to enter 423 Eighteenth Street, northeast, and Pvt. Hilton observed Hall enter Apt. #9 minus any bulge to his clothing. About 3:10 p.m., same date, Hall was observed to depart 423 Eighteenth Street, northeast, Apt. #9, Washington, D.C., by Pvt. Hilton with bulging pockets. Hall got into his car and was lost from observation.

About 12:55 p.m., Wednesday, September 3, 1958, Pvts. Poyner and Hilton observed Hall drive to the rear of the Coast Guard Building and contacted the Guard known to Pvts. Poyner and Hilton as Moses M. Wilson. Wilson handed Hall several brown packages and departed the area at 1:00 p.m. About 1:28 p.m., same date, Pvts. Poyner and Hilton observed Hall enter 716 Kenyon Street, northwest, by the front door with bulging pockets. Pvts. Poyner and Hilton observed three (3) colored females with bulging pocketbooks enter and remain a few minutes then departed minus the bulging pocketbooks. About 2:00 p.m., same date, Hall was observed by Pvts. Hilton and Poyner to depart the premises with a larger bulge to his clothing. About 2:50 p.m., same date, Hall was observed by Pvts. Poyner and Hilton to enter 1110 A Sixth Street, northeast, minus the bulging pockets. About 3:05 p.m., same date, Hall was observed to depart the premises with bulging pockets. About 3:10 p.m., same date, Hall was observed by Pvts. Poyner and Hilton to enter 423 Eighteenth Street, northeast, Apt. #9,

minus any bulge to his clothing and departed with bulging pockets. Hall was lost from observation upon leaving 423 Eighteenth Street, northeast.

Approximately 3:05 p.m., Friday, September 12, 1958, Pvt. Poyner and Pvt. Hilton observed Hall enter 423 Eighteenth Street, northeast, Apt. #3, with bulging pockets, with John Doe #1, who was carrying a brown paper bag under his arm. About 3:10 p.m., an unidentified colored male came out and entered a 1956 Plymouth auto and drove off. As of 3:30 p.m., same date, Pvts. Poyner and Hilton did not observe Hall or John Doe #1 depart from the premises. Pvts. Poyner and Hilton departed the area.

About 1:05 p.m., Monday, September 15, 1958, Pvts. Poyner and Hilton observed Hall park his car and enter the Guard Shack at the rear of the Coast Guard Building, Thirteenth and E Streets, northwest. Pvts. Poyner and Hilton then observed the guard known to them as Moses M. Wilson hand Hall a brown envelope, which Hall took and held in his right hand. About 1:06 p.m., Hall departed the area. Approximately 1:11 p.m., same date, Pvts. Poyner and Hilton observed Hall double park his car in the 2100 block of Tenth Street, northwest, and an elderly colored male, about 55 years, light skin, 6', approached the car and handed Hall a brown package. About 1:12 p.m., Hall departed the area. About 1:20 p.m., same date, Pvts. Poyner and Hilton observed Hall enter 1476 Newton Street, northwest minus the bulge to his clothing. About 1:22 p.m., Hall came out of the latter and had a noticeable bulge to his pants pocket. About 1:28 p.m. Hall was observed by Pvts. Poyner and Hilton to enter the rear of 716 Kenyon Street, northwest, with noticeable bulges to his pants pockets. About 1:30 p.m., Pvts. Poyner and Hilton observed two colored females enter the latter with bulging pocketbooks by the front door. About 1:35 the two unidentified colored females came out minus the bulge. Approximately 2:00 p.m., same date, Hall departed the premises with bulging pockets. About 2:05 p.m., same date, Pvts. Poyner and Hilton observed Hall enter 922 Florida Avenue, northwest, minus the bulge to his pants

pockets. About 2:06 p.m., same date, Hall departed 922 Florida Avenue, northwest, with noticeably bulging pockets. Pvts. Poyner and Hilton then followed Hall to Seventeenth and Willard Streets, northwest, then north on Eighteenth Street, northwest. This occurred about 2:11 p.m. About 2:35 p.m., Pvts. Poyner and Hilton observed Hall enter 1110 A Sixth Street, northeast, with bulging pockets. About 2:40 p.m., same date, Hall came out of the latter address with bulging pockets. About 2:48 p.m., same date, Pvts. Poyner and Hilton observed Hall enter 423 Eighteenth Street, northeast, Apartment #9, with bulging pockets. Upon making observations, Pvts. Poyner and Hilton did not observe Hall leaving the premises. Pvts. Poyner and Hilton departed the area at 3:45 p.m., same date.

A U. S. Commissioner's search warrant was executed about 2:00 p.m., 11-10-48, and Lessie Flournoy was arrested and charged with operating a lottery at 716 Kenyon Street, northwest, Washington, D. C.

Norman Harold Hall has been arrested and charged with operating a lottery and possession of numbers slips.

A complaint was received in the office of the Morals Division on June 22, 1954, that stated that numbers were being written in the U. S. Coast Guard building and that the numbers were being turned in to Moses M. Wilson, the guard at the rear of the U. S. Coast Guard building.

Based on the foregoing observations and transactions, it is the firm belief of the undersigned officers that there is now being conducted in the premises described in the preceding affidavit lottery operations in violation of the gambling laws of the District of Columbia, and that there are now being concealed in these premises lottery slips and other paraphernalia commonly used in the operation of a lottery. It is further believed the persons described and referred to in the foregoing affidavit are actively engaged in the operation of a

lottery in violation of the lottery laws of the District of Columbia.

/s/ William J. Poyner
Pvt. William J. Poyner, MPDC
Morals Division

/s/ Pvt. Glen A. Hilton
Pvt. Glen A. Hilton, MPDC,
Morals Division

/s/ Pvt. Jack E. Evans
Pvt. Jack E. Evans, MPDC
Morals Division

SUBSCRIBED AND SWORN TO BEFORE ME

THIS a 17 DAY OF SEPTEMBER, 1958.

/s/ James F. Splain [SEAL]
James F. Splain, U.S. Commissioner for the District of Columbia

[Filed November 16, 1959]

UNITED STATES OF AMERICA : Commissioner's Docket No. 7

v. : Case No. 334

Norman Harold Hall :
c-m-28

WARRANT OF ARREST

To Chief of Police or Any Member of MPDC.

You are hereby commanded to arrest Norman Harold Hall, and bring him forthwith before the nearest available United States Commissioner to answer to a complaint charging him with unlawfully set up and promote a policy lottery and possess numbers slips in Washington, D.C. from Aug. 8 thru September 15, 1958 in violation of DCC Title, 22, Section 1501, 1502.

Date: September 17, 1958

/s/ JAMES F. SPLAIN
United States Commissioner

RETURN

Received Sept. 18, 1958 at Wash. D.C., and executed by arrest of Norman H. Hall at 1700 block of Willard St., N.W. on Sept. 18, 1958.

/s/ Det. Ward C. Foulkes

/s/ Robert V. Murray
Chief of Police

[Filed November 16, 1959]

UNITED STATES OF AMERICA :	Commissioner's Docket No. 7
v. :	Case No. 335
John Doe #1, col. male :	
about 25-30 yrs.; 5 ft. 9; :	
about 175 lbs. med. br. skin :	
Lawrence William Parran :	
c-m-23 :	

WARRANT OF ARREST

To Chief of Police or Any Member of MPDC

You are hereby commanded to arrest John Doe #1 above described, and bring him forthwith before the nearest available United States Commissioner to answer to a complaint charging him with unlawfully set up and promote a policy lottery and possess number slips in Washington, D. C. from Aug. 12 thru Sept. 15, 1958 in violation of DCC Title, 22, Section 1501, 1502

Date: September 17, 1958	/s/ JAMES F. SPLAIN
	United States Commissioner

RETURN

Received Sept. 18, 1958 at Wash., D. C., and executed by arrest of Lawrence M. Parran at 1700 block of Willard St., N. W. on Sept. 18, 1958.

/s/ Robert V. Murray
Chief of Police
By /s/ Det. Ward C. Foulkes

[Filed May 26, 1959]

UNITED STATES :	
v. :	
#1 NORMAN H. HALL :	Criminal No. 1010-'58
#2 LAWRENCE W. PARRAN :	Charge Numbers
#3 LESSIE FLOURNOY :	
Defendants :	

On this 26th day of May 1959, came again the parties aforesaid, in manner as aforesaid, whereupon the hearing by the Court is resumed and concluded, whereupon the finding of the Court is that each defendant is guilty as indicted.

The case is referred to the Probation Officer of the Court and the defendants are permitted to remain on bond pending sentence.

By direction of
Edward A. Tamm
Presiding Judge
Criminal Court #3

* * *

* * *

[Filed July 7, 1959]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :

v. : Criminal No. 1010-'58

NORMAN H. HALL :

On this 2nd day of July, 1959 came the attorney for the government and the defendant appeared in person and by counsel, Curtis P. Mitchell, Esquire.

IT IS ADJUDGED that the defendant has been convicted upon his plea of not guilty and a finding by the Court of guilty of the offense of Violation of the District of Columbia Lottery Laws as charged in counts one and three and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of One (1) year to Three (3) years on count one; One (1) year on count three said sentence on count three to run concurrently with the sentence imposed on count one of the indictment.

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

/s/ Edward A. Tamm
United States District Judge

[Filed July 7, 1959]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :

v. : Criminal No. 1010-'58

#2 LAWRENCE W. PARRAN :

On this 2nd day of July, 1959 came the attorney for the government and the defendant appeared in person and by counsel, Curtis P. Mitchell, Esquire.

IT IS ADJUDGED that the defendant has been convicted upon his plea of not guilty and a finding of guilty by the Court of the offense of Violation of the District of Columbia Lottery Laws as charged in counts one and four and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Six (6) months to Eighteen (18) months on count one; Six (6) months on count four said sentence on count four to run concurrently with the sentence imposed on count one of the indictment.

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

/s/ Edward A. Tamm
United States District Judge

[Filed July 10, 1959]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :

v. : Criminal No. 1010-'58

LAWRENCE W. PARRAN :

NOTICE OF APPEAL

Name and address of appellant: Lawrence W. Parran, 801 49th St., N. E., Washington, D. C.

Name and address of appellant's attorney: Curtis P. Mitchell, 508 Fifth St., N. W.

Offense: Violation 22-1501, 22-1502.

Concise statement of judgment or order, giving date, and any sentence: Guilty as indicted. Sentence 6-18 months on count 1, 6 months on count 4 said sentence on count 4 to run concurrently with sentence imposed on count 1.

Name of institution where now confined, if not on bail: D. C. Jail.

I, the above-named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the above-stated judgment

July 10, 1959

/s/ Curtis P. Mitchell
Attorney for Appellant

[Filed July 10, 1959]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :

v. : Criminal No. 1010-'58

NORMAN H. HALL :

NOTICE OF APPEAL

Name and address of appellant: Norman H. Hall, 1605 North Carolina Ave., N. W., Apt. 6, Washington, D. C.

Name and address of appellant's attorney: Curtis P. Mitchell, 508 Fifth St., N. W.

Offense: Violation of 22-1501, 22-1502.

Concise statement of judgment or order, giving date, and any sentence: Guilty as indicted. Sentence: 1-3 yrs. on count 1; 1 year on count 3 to run concurrently with sentence imposed on count 1 7-2-59.

Name of institution where now confined, if not on bail: D. C. Jail.

I, the above-named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the above-stated judgment.

July 10, 1959

/s/ Curtis P. Mitchell
Attorney for Appellant

